



ACE Board Meeting Minutes

Meeting Date: 08/30/2017

Location: Neutra House 181 Hillview Ave Los Altos

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 |
| HAND, ART | CHIEF STEWARD, FH | ACE | YES |
| JOSEPH, PAULA | CHIEF STEWARD, DA | ACE | YES |
| KIRKPATRICK, KERI | BOARD MEMBER, DA | ACE | YES |
| MANGIAMELI, CHRISTINE | BOARD MEMBER, FH | ACE | NO |
| MONSELL, CATHLEEN | CHAIR NEGOTIATIONS | ACE | YES |
| OLSEN, SCOTT | BOARD MEMBER, CS | 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 |
| TROSPER, MATT | VICE PRESIDENT, DA | ACE | NO |
| WHITE, CHRIS | PRESIDENT | ACE | YES |



Meeting Start: 8:30 a.m.

- A. **Breakfast**
- B. **Survivor Training:** Presenter B. Booth
- C. **Break**
- D. **Grievance VS. Lawsuit:** Presenter A. Booth
 - **Common Contract Violations:**
 - **Article 16.4 Disciplinary Action**
 - Skipping one of the progressive steps of discipline.
 - **Article 7.10.3 Employment Practices**
 - Not sharing negative documentation with employee before putting it in an evaluation.
 - **Article 13.2.3 Hours and Overtime**
 - Supervisor forcing employee to take comp rather than over time.
 - **Examples of Unfair labor practice**
 - Coercive questioning of employee regarding their union activity.
 - Threats or discrimination based on union participation
 - Promises of benefits for employees that do not participate in union activities.
 - Unilaterally implementing a new rule that affects working conditions like instituting a furlough day to save costs.
 - **Lawsuit:** a lawsuit is filed if there is a violation of the Ed Code.
 - **Grievance:** a grievance is filed if there is a violation of our *Agreement*.
 - **If There are no Grounds for a Lawsuit or contractual issue:**
 - ACE will do all that they can even when there is no contractual or Ed code violation.
 - Listen to member and provide support
 - Facilitate mediation
 - Advocate for them with HR
 - Meet with all parties to resolve issue
 - Offer advise/guidance

E. **Closed Session:**

Report out from closed session:

The Board authorized two potential legal actions.

First action up to \$10,000. Approved Unanimously

Second action up to \$25,000. Approved Unanimously

F. **Motion:** Approval of 06-14-17 minutes

Moved: Baldwin

Second: Monsell

Motion Approved A. Perez & Kirkpatrick abstained



G. **Financial Report:** Presenter A. Perez & White

Cetera through East West Bank as of 08/30/2017

| | |
|--|---------------------|
| Cetera (East West) CD Total: | \$258,233.31 |
| Wells Fargo Accounts as of 10/11/2016 | |
| Checking Account Balance: | \$12,399.97 |
| Business Market Savings (PAC Fund): | \$7,589.33 |
| Business High Yield Account: | \$392,714.86 |
| Wells Fargo Accounts Total: | \$405,373.06 |

H. **2016-17 ACE Service Fee Payer Audit report:**

- An independent audit of ACE finances for 2016-17 determined 94% of our expenses are chargeable, i.e. spent directly representing the membership. Our service fee payers, who only pay for chargeable expenses, are charged 90% of full dues. If we charged them more than 94%, we would owe them a refund but we don't.
- On August 9, 2017 service fee payers were sent a copy of the audit and information if they wanted to contest the finding.

I. **ACE Board Email Vote, Election Committee Appointment:**

- Noted for record

J. **ACE Update:** Presenter White

- **What Does ACE Do?**
 - Hand out listing of ACE activities for the past 18 months. It will be amended and sent out to ACE members in the next newsletter.
- **Classification study**
 - Will meet with JLMCC and consultants on Sept. 13 to go over first draft and/or provide additional information if requested.
 - Develop a process to disseminate draft job classifications developed by consultants.
- **District Opening day**
 - Sept 21 at 1 p.m., ACE will do an afternoon general membership update and ice cream social.
- **Officer elections coming up in October.**
 - Up for election are: President, Vice President at DA & CS, FH Chief Steward, Board Members at DA seat 1 & FH
- **FHDA Budget**
 - Directive to the colleges to reduce operating budget by \$10mil over the next 3 years. \$2 mil in 17/18, \$3 mil in 18/19 and \$5 mil in 19/20. The colleges have been directed on the amount they need to cut but now they need to go back and determine how best to meet that target.



- District budget did not include the COLA increase from the governors' budget.
- COLA increase of 1.56% from the State, equaling \$2.2mil and the District argues it is meant to cover PERS/STERS increases.
- District still has \$25mil in carryover money.
- White asked the FHDA Board of Trustees to use some of the carryover money to cover deficit.
- There hasn't been discussion of layoffs just reductions in budget expenditures.
- The majority of California Community colleges are experience a decline in enrollment, In the Bay Area, only two districts have seen a slight increase (West Valley Mission and Los Positas Chabot).
- Tracking HS enrollment to project potential students for FHDA.
- For FHDA, we will have a better idea of where we are in terms of enrollment after Fall census.
 - Potential areas to save money:
 - Unfilled positions
 - Temp workers,
 - Classification study
 - Town hall meetings on budget will be scheduled in fall.
- **Travel ban:**
 - District has banned the use of District funding for some locations of travel. ACE negotiates the amount of funds the District provides ACE members to use for travel and conference. We do not have a say in their policy for how it is administered.

K. **Lunch**

L. **Negotiations Update:** Presenter Monsell

- Good feedback on survey sent out to members
 - 116 responses to survey
 - Top three items of importance:
 1. Temporary Workers & TEA's
 2. Language for pay & allowances
 3. Longevity awards after 23 years of service
 - Members expressed interest in negotiating an increase to the longevity award amount.

M. **De Anza Steward Appointments:** Presenter White

- Three people are interested in serving as De Anza Chief Steward.
- White and Joseph met with each.
- Invited all three to steward training so they can get a feel for the types of issues we address.
- Recommendation is to appoint Erika Flores as De Anza Chief Steward and Dianna Martinez as a Steward at De Anza



Motion: To appoint Erika Flores as De Anza Chief Steward

Moved: Baldwin

Second: Smith

Motion approved unanimously

Motion: To appoint Dianna Martinez as a Steward at De Anza

Moved: Kirkpatric

Second: Monsell

Motion approved unanimously

N. **17/18 Budget/Dues Forgiveness Recommendation:** Presenter White

- A. Perez and White went thru the tentative 2017-2018 ACE budget
 - Our contingency funds cover a 5% reserve, \$500K strike fund and pending litigation costs. Any additional funding for legal actions need to be raised through dues revenue.
 - If we spent everything we have allocated, and forgave dues for two months, we would still carryforward \$9K into 2018-19.
 - With enrollment and looming budget cuts from the District which could affect ACE revenue, it makes more business sense to forgive dues rather than reducing dues. The former requires an action by the ACE board, the latter a vote by the general membership.
 - Recommendation to forgive dues for December & June
 - White will include ACE dues explanation in a newsletter.

Motion: To approved the budget with the two months' dues forgiveness.

Moved: D. Perez

Second: Olsen

Motion approved unanimously; with amendment of forgiving dues for the months of November and May.

- A. Perez will present the budget for member approval at the September site meetings

O. **Service Fee Payers:** Presenter B. Booth

Recent years have seen a surge of constitutional challenges to public unions' right to require nonmembers to pay agency fees (also known as fair share fees) as a condition of continued employment. An evenly divided U.S. Supreme Court failed to resolve the issue following the death of Justice Antonin Scalia, but a new wave of lawsuits is working its way through the federal courts and could reach the Supreme Court as early as next term. For ACE, 9% of our membership are service fee payers and contribute approximately \$3,000 in annual dues revenue. The main reasons a member chooses to be a service fee payer are:

- Philosophical opposition to a union;
- Member felt the union didn't support them when they had an issue with the District; or



- Member doesn't have a clear understanding of the difference between service fee payer and full dues member.

While the first reason makes it difficult to get a member to change their mind, the latter two leave the door open. The legal uncertainty of service fee payer status makes it imperative that we work to have as many full dues members as possible. Not for the money, but for the collective bargaining strength. Over the past year and a half, ACE has been able to convert a dozen service fee payers through education and conversation.

Task:

- Review the list of service fee payers and make a commitment to talk with the member regarding the benefits of ACE membership. One-tenth of a percent difference in fee paying and member dues
 - Benefits of being a full member:
 - Vote on agreement ratifications, changes to ACE constitution and officer elections
 - Serve as member of ACE Executive Board and represent ACE on hiring committees.
- Report back at our Oct. 11, 2017 board meeting.

P. **Classified Hourly:** Presenter White

- Follow up from June 14 ACE board meeting regarding classified hourly members and whether ACE should continue to represent them but not charge them dues because their unstable work hours put them at odds with the basic tenets ACE represents as a labor organization. The loss in revenue would be approximately \$3,000 per year.
- Over the past year and a half, ACE has been successful in converting hourly positions to permanent ones when it's been discovered a department also used temporary or student workers to do the same work; and eliminate classifications where the work is being done by permanent ACE classifications. The few remaining classified hourly classifications perform work that is truly needed on an intermittent, as needed basis, is not performed by a permanent ACE classification, and there isn't enough ongoing work to justify a permanent schedule. Positions like tutors, the accompanist, short course assistant or massage therapy assistant.
- Classified hourly members are covered by 98% of the provisions in our *Agreement* including paid holidays, vacation, sick and personal leave, travel and conference funding, educational assistance, as well as representation and job security protections provided in our *Agreement*. Benefits and job security which are typically not afforded to employees in hourly positions.
- Classified hourly members are covered by the provisions of our *Agreement* and have benefits and job protections typically not afforded to hourly employees. As such they should continue to pay dues as any ACE member is required to do and no change is needed.



- Q. **PAC Fund:** Presenter White
- \$7589.33 in savings for PAC fund which leaves **-\$2,410.67**
 - Very few members, other than the ACE Executive Board, are paying into this fund.
 - We need to advocate for members to contribute.
 - Board discussed forgiving the PAC Fund debt of **-\$2,410.67**, however, no decision was made.
 - A. Perez suggest that the PAC fund donation process needs to be reviewed and updated if we are to do this again in the future.
- R. **Future Goals of ACE:** Presenter White
- Continue to convert service fee payers to full dues members.
 - Increase member involvement in meetings, elections etc.

The Meeting Adjourned: 3:30 pm