



Meeting Date: 08/29/2019

Location: Neutra House, 181 Hillview Los Altos

Recorder: Shawna Santiago

NAME	TITLE	ORGANIZATION	IN ATTENDANCE?
BALDWIN, WILLIAM	VICE PRESIDENT, CS	ACE	YES
BOOTH, ANTHONY	LEGAL	THE BOOTH LAW GROUP	YES
BOOTH, BRADLEY	LEGAL	THE BOOTH LAW GROUP	YES
CACERES, ANTHONY	CHIEF STEWARD, CS	ACE	NO
CHACKO, VINS	VICE PRESIDENT, DA	ACE	YES
CHAND, SUSHINI	BOARD MEMBER, DA	ACE	YES
FLORES, ERIKA	CHIEF STEWARD, DA	ACE	YES
KIRKPATRICK, KERI	BOARD MEMBER, DA	ACE	YES
MANGIAMELI, CHRISTINE	BOARD MEMBER, FH	ACE	YES
MONSELL, CATHLEEN	CHAIR NEGOTIATIONS	ACE	YES
NGYUEN, KATHY	TREASURER	ACE	YES
OLSEN, SCOTT	BOARD MEMBER, CS	ACE	YES
PELLETIER, JOSH	CHIEF STEWARD, FH	ACE	YES
PEREZ, DENISE	VICE PRESIDENT, FH	ACE	YES
SANTIAGO, SHAWNA	RECORDER, FH	ACE	YES
WHITE, CHRIS	PRESIDENT	ACE	YES

Guest: Terry Rowe, Chris Chavez, Dana Kennedy, Joseph Gilmore, Andre Meggersson, Andrea Santacruz



A. **Welcome:** Presenter White

B. **Team Building:** 10:00am-11: 30am

C. **Lunch:** 11:45am - 12:20pm

D. **Approval of Minutes:**

- **Motion:** Approval of July 10th 2019 minutes.

Moved: Kirkpatrick

Second: Olsen

Opposed:

Abstained: D. Perez

Motion Approved with the following amendment:

“Law Office of B. Booth “ change to “The Booth Law Group”

E. **Financial Report:** Presenter Nguyen

As of August 10 2019

Citi Bank CDs 1-4:	\$ 403,346.11
Citi Bank Checking Account:	\$ 8,818.30
Citi Bank Savings Account:	\$ 50,867.89
US Bank Money Market:	\$ 294,421.18
Accounts Grand Total:	\$ 757,453.48

F. **ACE Audit:** Presenter White

- We used to be required to preform an independent audit for service fee payers. Though we are no longer obligated to do so, in the spirit of transparency, we continue to have annual audits.
- The auditors found that taxes were being withheld on our account. We are a 501(c)(5) nonprofit and are exempt from taxes. The funds were returned resulting in \$1,300 being deposited back into our account.
- Biggest take away from our audit is that we spend the bulk of our money on legal representation and food.

G. **Membership:** Presenter White

- Our membership continues to decline.
- Prior to the Supreme Court ruling our membership was at 90%. We are currently at 85%.
- If our membership drops down below 50% we will no longer have a union.
- We meet with all new hires. Some join immediately and some want to think about it. The biggest challenge continues to be the CVC-OEI and the Child Development Center at De Anza.
- I am open to suggestions on how we can better recruit members



• **Recruitment Strategies Currently in Place:**

- Show new hires a short video of members telling their success stories with the union.
- Meet with all new hires and give them a copy of our agreement, membership policies on representation fees for non-members & ACE swag.
- Follow up later with employees who did not join.
- Notify ACE Board Members to initiate conversations with non-members in their areas on the benefits of joining the union.

• **Suggestions from the Board on Recruitment:**

- Monsell: Invite those who don't join to a site meeting to have lunch, get introduced to the group & see our bond as a union
- Pelletier: The one-year probationary period is a concern for some new employees; paying for a year of union dues with no guarantee of continue employment.
- A. Booth: We will guide new hires through that probationary period and represent them while they are employed.
- Pelletier: PGA portion of the contract gets peoples interest. Pointing people in the direction of money is always a good selling point.
- Mangiameli: Go over items in the contract that new employees need to be aware of. Follow up meeting as an opportunity to show them things that apply to them like how to utilize leave.
- B. Booth: Remind members that if we fall below 50% we no longer have a union. Without a union at the bargaining table, employees will get much less from the district in the way of salary increases. This may motivate our current membership to actively recruit.
- District and College opening day opportunity to present ACE at a workshop
- This is an ongoing conversation. It's beholden on all of us to take the initiative to get out there and talk to people.

H. **2019 -2020 Tentative Budget With Dues Reduction Scenarios:**

- Based on revenue collection from our dues fluctuating so much this is our recommendation for the 2019-2020 budget
- We have included dues forgiveness for 1 month. We will likely have the ability to forgive dues for 2 months, however, we have to budget for what we think we may spend.
- When we were with SEIU our dues were 1.5% of base pay. We are now at .095% of base pay.
- Per our survey of the membership last year the .095% of base pay is the preferred way of charging dues.
 - For reference: Teamsters dues are \$85 a month; FA dues are .006% of gross salary a month for FT, .0045% of gross



month for PT; CSEA dues are \$45 a month; POA are \$155 a month.

- **Motion:** Adoption of budget as is with 1 month of dues forgiveness with possibility of a 2nd month of dues forgiveness.

Moved: Mangiameli

Second: Monsell

Opposed:

Abstained:

Motion Approved

I. **Professional Growth Committee Appointments:** Presenter White

- Two of the longterm members are on their way to retirement.
- Need committee members from De Anza

- **Motion:** To appoint Mary Medrano & Kit Perales to serve on the professional growth committee.

Moved: Olsen

Second: Pelletier

Opposed:

Abstained:

Motion Approved

- **Survey on 457 & 403b:** Presenter Olsen

- Olsen is creating and will send out a survey to the membership regarding 457 & 403B plans.
- Area of interest is how the membership utilizes these plans.
- Looking for volunteers to help formulate the questions.
- Chand has volunteered to help with the survey

J. **Committee Reports:**

- **District Budget:** Presenter White

- Under the new Student-Centered Funding model, we are still in a hold harmless thru 2022.
- For 2019-2020, District has budgeted for a 1000 FTES decline.
- A continued decline of 1000 FTES per year would bring us to the level of basic aid.
- San Mateo, West Valley Mission, and San Jose/Evergreen are all basic aid colleges but are also much smaller than FHDA.
- If our enrollment doesn't increase to what we are currently collecting in our hold harmless funding, we will have to cut approximately \$40mil from the budget in 2022.



- District is looking at the possibility of a parcel tax or a bond for March 20 primary election.
 - Parcel tax we can spend on anything we want. Bond must be spent on facilities. A bond would be good for funding the flint center changes, but can't be used to support the hiring of some staff, mostly related to purchasing, accounting and ETS.
- **Annual Touch Base Lunch with the Board of Trustees**
 - Will likely occur in October. I will send out an invite to one or two of you to join us for lunch.
- **ACE elections will be held in October**
 - Positions up for election are president, vice president for De Anza & Central Services, chief steward at Foothill, and board members for Foothill and De Anza, seat 1.
- **Negotiations Update:** Presenter Monsell
 - Team met twice to review proposals.
 - Meeting with District on Sept. 9.
 - Opened articles 7, 8, 14, & 18 as well as implementation of classification/compensation study.
- **Classification Study/ Legal Update:** Presenters Booth & White
 - The joint labor management committee worked well until the District no longer wanted to adhere to the agreed upon comparison entities for the salary portion of the study.
 - We have filed an unfair labor practice charge against the District for bad faith bargaining
 - Our position is that we are not interested in negotiating salaries. The consultants have already determined, based on previously agreed upon comparison entities, what salaries should be. We want to vote for implementation based on those salaries.
- K. **President's Updates:** Presenter White
 - Working with departments to ensure there is no use of TEA's, contractors, or student workers in areas where classified positions were reduced.
 - Athletics and captioners/interpreters have special needs in terms of part-time workers. Athletics must have athletic trainers on site for games and with multiple sports playing at one time, one trainer can't be in three spots at the same time. Same for captioners and student class schedule needs. Often this meant both areas were spending tens of thousands on TEA's and independent contractors to cover their needs. Working with both departments, we have reduced the number of TEA's and independent contractors by:
 - Athletic Trainers: Allowed both campuses to create a classified



hourly position, even though our Agreement only allows for this type of employee in areas where we do not have a regular classification, limited it to one position and then allowed the use of a TEA to backfill when necessary but only after our members in that classification were first given the option to work overtime. Reviewed annually.

- Captioners and Interpreters: Created two new permanent positions to limit their needs for TEAs or independent contractors.
- PERS is looking at our special compensation a; Specifically, Longevity and Professional Growth awards.
 - Our contract states that Longevity Awards are tied to performance, but this is not what our practice has been. We've removed that language from our contract so this should not affect longevity in terms of pensionable income. This was resolved with PERS and it counts towards pensionable income.
 - Relating to Professional Growth Awards. For some of the PGA categories, PERS is having a hard time attributing them to education. For example, gym time or serving on a hiring committee. PERS has very specific rules as what qualifies as special compensation and they are questioning if these areas qualify as pensionable income.
 - D. Perez: It would be interesting to see what STRS accepts as special compensation. Are STRS & CALPERS on the same page in terms of what special compensation qualifies as pensionable income?
- Administrative Reassignment MOU: The District has the right to transfer or re-assign employees. However, we have a signed an MOU with the district that specifies that any classified employee who is administratively transferred, must be transferred into a position that is within the same classification.
- I anticipate even though we went through the budget cuts, there will be additional staffing changes and positions over the next year and a half are going to be shuffled around.

L. ACE Constitution Changes: Presenter White

- Will bring a motion forward to vote on the following changes at our Sept 11th board meeting. This will give the board 2 weeks to review and decide

• **Article 3**

- When we lost service fee payers due to the Supreme Court Janus decision, we agreed, based on existing language in our constitution, that members could withdraw from ACE within 30 days of the end of the contract. This equates to an opportunity to withdraw membership every 3 years.
- Last year we agreed members couldn't jump in and out of membership whenever they want. However, a few members feel we should have an annual withdrawal period.
- Do we want to continue with the agreed upon withdrawal period or have an annual withdrawal period?
 - Withdrawal period tied to the contract keeps it simple for all.



- Allowing members to jump in and out on an annual basis detracts from the effectiveness of the union.
- Keep the 3 years to withdraw but can forgive dues for a time period on a case-by-case basis. Develop a policy for case-by-case basis.
- Removed reference to service fee payers.
- Defines cost for representation.
- Cleaned up general grammar and punctuation, changed gender language to be more inclusive.
- **Article 5.**
 - Historically the ACE Recorder has been appointed by the Board.
 - Make the recorder an elected position, up for election on odd years.
- **Article 6.**
 - Remove committees that we have never used
- **Article 10.**
 - Added 3 days to campaigned for elections.
 - Adds process for electronic elections since we no longer have paper ballots.

M. Closed Session:

- Report Out From Closed Session:
 - Nothing to report

Meeting Adjourned: 3:00pm