



Meeting Date: 11/13/2019

Location: DA 237 El Milagro Rm or Zoom Meeting

Recorder: Shawna Santiago

NAME	TITLE	ORGANIZATION	IN ATTENDANCE?
BALDWIN, WILLIAM	VICE PRESIDENT, CS	ACE	YES
BOOTH, ANTHONY	LEGAL	LAW OFFICE OF B. BOOTH	NO
BOOTH, BRADLEY	LEGAL	LAW OFFICE OF B. BOOTH	NO
CACERES, ANTHONY	CHIEF STEWARD, CS	ACE	YES
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	NO
OLSEN, SCOTT	BOARD MEMBER. CS	ACE	YES
PEREZ, DENISE	VICE PRESIDENT, FH	ACE	YES
SANTIAGO, SHAWNA	RECORDER, FH	ACE	YES
WHITE, CHRIS	PRESIDENT	ACE	YES

Public Guest:

In Person: Andrea Meggerson FH A&R



Meeting Start: 1:00pm

A. Approval of Minutes:

- **Motion:** Approval of Oct 9th 2019 minutes.

Moved: Chacko

Second: Perez

Opposed:

Abstained:

Motion Approved

With amendment: Computer Loan Program, 3rd bullet, change *form* to *from*.

B. Public Comment:

- No public comment

C. Financial Report: Presenter White

Citi Bank balances as of Nov 11th 2019

Citi Bank CDs 2, 3 & 4:	\$ 406,824.90
Citi Bank Checking Account:	\$ 22,890.44
Citi Bank Savings Account:	\$ 7,382.89
US Bank Money Market:	\$331,011.45
Accounts Grand Total:	\$ 768,109.68

- Interest income to date \$9,630.21
- Maturity dates coming up in Feb 2020

D. Old Business: Presenter White

- **Officer Election Results:**

- President: Chris White
- VP Central Services: Scott Olsen
- VP De Anza: Vins Chacko
- Chief Steward Foothill: Andre Meggerson
- Board Member Seat 1 De Anza: Keri Kirkpatrick
- Board Member Foothill: Christine Mangiameli
- ACE Constitution Changes: Approved



- **ACE Stipend Policy:**
 - Board had conversation last month about changing stipends to 12 months for those ACE officers who perform their duties all 12 months of the year.
 - Do we want to change the stipend policy to say “up to 12 months” and folks will on their honor to report accurately?

- **Monsell:** Motion that the duration for our monthly stipend be changed to “up to 12 months” for all positions.
 - Moved:** Chacko
 - Second:** Perez
 - Opposed:**
 - Abstained:**
 - Motion Approved**

E. **New Business:** Presenter White

- **Dues Forgiveness Policy**
 - Back in August we agreed to change our constitutional language to include that members could withdraw from ACE only within 30 days of the end of the contract. We also discussed financial burdens that may justify a member withdrawal prior to the 30-day mark.
 - The Dues Waiver Policy Draft establishes guidelines to allow for a dues fee waiver based on hardship.
 - **White:** Is this draft in line with what we were talking about back in August? What would some of the hardships be?
 - **Monsell:** We need to be more specific in terms of dates and duration. I think we should give a general duration of “up to 90 days.”
 - **Mangiameli:** Will they sign something or will we just document in the meeting minutes?
 - **White:** Ideally, we should have them sign something.
 - **Flores:** Will we require documentation verifying their hardship?
 - **White:** That’s an excellent question. Do we want to get documentation? I’m of the opinion that folks will report honestly.
 - **Perez:** Maybe a check box for medical hardship or financial leave, and a space for a little more detail.
 - **Santiago:** Need an option for confidential reporting for the member.
 - **White:** This is really a policy to say yes, we want to do something like this and this would just be the parameter of what that means.
 - Board agreed to bring this back to the table for additional discussion.



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

• **December Holiday Parties:**

- The only time we've been able to schedule the holiday parties is December 16th & 17th.
- I will be off for three weeks during the holidays but may come attend the holiday parties if possible. I will need the VP's to host the holiday parties at each campus.

• **Professional Growth Awards & Pensionable Income:**

- With a large retiree exodus in June and a new account administrator at CalPERS, some of the activities allowed under PGA were called into question. Based on the following rules, CALPERS has made the determination that only PGA hours earned in category 1 will be eligible as pensionable income.

▪ **Under topic #2, Educational Pay, where PGA is categorized:**

"Educational Incentive is defined as compensation to employees for completing educational courses, certificates and degrees which enhance their ability to do their job. A program or system must be in place to evaluate and approve acceptable courses. The cost of education that is required for the employee's current job classification is not included in this item of special compensation".

▪ **Under topic #5, Statutory items, subsection d:**

"If an item of special compensation is not listed in subsection (a), or is out of compliance with any of the standards in subsection (b) as reported for an individual, then it shall not be used to calculate final compensation for that individual".

- From my research these rules were instituted as early as 1994. It's just now that CALPERS is enforcing them.

▪ **Legal Opinion from the Booth Law Group:**

"There have been some questions received by ACE regarding what, if anything, ACE can do to challenge PERS' unwillingness to accept certain PGA award credits, which were previously accepted as valid.

Unfortunately, this is a regulatory issue administered by PERS, pursuant to the California Code of Regulations. As they have evaluated their process, they have determined that they were not properly following their own regulation when admitting certain credits.

Unfortunately for us, courts will ALWAYS defer to the administrative agency responsible for promulgating and applying their own regulations. Thus, we cannot challenge this change because PERS has determined that certain credits do not meet the standard of "educational courses, certificates and degrees", which is well within their rights"



- The District has agreed to go back and use educational hours to cover hours that were earned outside of category 1.
- We asked the district if members might use classes for which they have already received educational assistance. The district's answer was that they don't know. They would have to research what that means and they want to confer with CalPERS to see if this is acceptable.
- Other questions are; What is a certificate or degree that enhances their job? What causes PERS to flag some and not others? How is this going to be evaluated; by the district or by CALPERS? How will the 7% contribution on these moneys be returned?
- The district is having a hard time answering our questions, as they first have to get answers from CALPERS before they can inform us.
- If all of this is the case how will CALPERS make them whole; refund contributions for PGA money that was not pensionable. I'm confident that there is some sort of process, we just don't know what that process is yet.
- **Perez:** What is job related and what isn't? Will a person's PGA be audited at the point of retirement? I have 12 awards 48.5% of which were in category 1. As is, PERS would be giving me 48.5% of my PGA salary towards my retirement.
- **White:** Many may not have retired if they knew that that income was not pensionable.
- **Perez:** Can we throw this back on the district for being uninformed?
- **White:** The mass exodus of folks retired in June was a red flag for CALPERS to discover this error. The district could not have predicted this would happen, and are invested in getting their contribution money back as well.

G. Committee Reports:

- **District Budget:** Presenter White
 - Nothing to report
- **Negotiations Update:** Presenter White & Monsell
 - Met Nov. 7th
 - Tentative agreement to bargain the implementation of study
 - Travel and conference funding to iron out as well as PGA
 - At the Nov 7th meeting we discovered that the district misunderstood our MOU to withdraw the unfair labor practice in order to get the bargaining started. We did not mean that we would back down on the results of what Koff gave us.
 - After some discussion, Anthony Booth was clear: You (the district) have to bring something to the table for us to bargain.
 - We concluded the meeting for the day, and will meet again Nov 21st
 - I don't think they realize that "impasse" is still on the table. So, we then bring in the PERB 3rd party to make a decision.
 - The results that Koff made are beneficial to the members not to the district. Now they are trying to figure out how to back-pedal.
- **JMBLC:** Presenter White
 - Nothing to report
- **VEBA:** Presenter Mangiameli
 - Met end of Oct
 - 35 people are eligible for the VEBA benefit but only 14 have applied.



- We have sent certified letters to those that are eligible with no response.
- **R&R Committee:** Presenter D. Perez
 - It's all about the Facilities Master Plan revamp for the bond.
 - Part of what polls better for the bond is that we are after higher-level faculty but not higher-level staff.
- **DDEAC/HRAC/Equity:** Presenter Baldwin/Olsen
 - Looking at three people as possible speakers
 - Looking at Availability of gender-neutral restrooms on campus.
 - **White:** Would you inform the committee that we need additional and consistent ongoing trainings for EO?
- **IPBT/SSPBT:** Presenters Caceres & Kirkpatrick
 - There are 2 Classified positions in Counseling that are going to be moved to a different funding source. The 2 Classified positions that are to be moved are the ones that were hired to administer the Starfish Early Alert program. Starfish is going away at the end of Fall quarter, so these 2 positions are being repurposed as part of a team that includes a Retention Counselor to work with and support De Anza students who are on Academic probation.
 - Tasks for these positions in the new role: Contacting / calling students to inform them of their probationary status and get them appointments with the counselor; placing registration holds on student accounts; tracking and analyzing data to catch students in danger of going into probationary status; etc.
 - **Chand:** College Promise requires an early alert system, so there may be a need for this work to come back.

H. **Report Out from Closed Session:**

- Nothing to report

Meeting Adjourned: 2:10pm