

FACULTY MATTERS



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LOCAL 6157

Medical Benefits Discussions Continue

By Barbara Hanfling, Executive Director FA, AFT 6157

In the past, salary was discussed and negotiated as a separate item from benefits. Today salary and all benefits are now considered part of total compensation. For San Jose Evergreen, the cost of total benefits for medical, dental, vision, Long Term Disability, Life Insurance and EAP range from: **\$8,376 to \$27,837 per year per member for single faculty to full family plan.** And remember that this only covers our 244 full time faculty. Our Adjunct faculty, (455 members) have little or no insurance and if they take the District offered insurance, they must contribute ½ of the cost of coverage for employee only.



month; Kaiser family about \$160 per month and those costs would compound each year. Our goal is not to implement cost sharing of medical benefits at all, as this is a huge hit for our faculty. So what to do?

Medical Benefit Costs Significantly Increase

Therefore we agree we need to look at the plan design. This year the District has again approached the FA, AFT 6157, CSEA and MSC (management group) to modify the plan and decrease the cost to the District of medical benefit beginning in July 2011. Based on the structural deficit, the District has asked for reductions to save a million dollars. We don't believe we can reach that number. And more importantly this is not something the Union wants to do. We also do not want to force faculty to pay thousands of dollars per year to keep their Kaiser and Blue Cross Plan.

As these costs escalate it puts our District and your benefits in a very precarious position. Eighteen months ago we voted on some changes on our medical benefits plan. They were passed overwhelmingly. The need to continue cost savings is never ending because in our Collective bargaining agreement we have a **CAP** on medical benefits. What this means is that the District has the right to pass on the increases in medical benefits' cost each year.

For example if medical benefits go up 10% (which is pretty standard) Blue Cross family would pay about \$240 per

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Medical Benefits Discussions Continue

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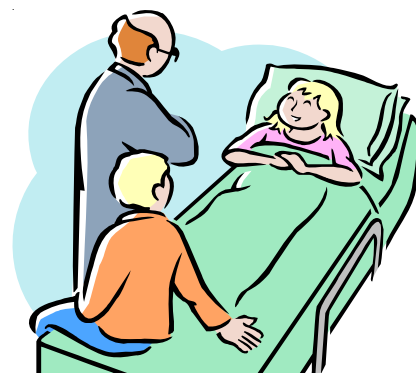
The Union's Benefits committee consists of **Mark Newton**, past President, **David Yancey**, current President and **Barbara Hanfling** Executive Director (**Frank Espinoza** current Vice President is our alternate). We are studying many options in both the Kaiser and Blue Cross Plan. These options will be discussed at many of our Executive Board/Membership Meetings.

What Options Do We Have?

The union's overall goal is to ensure that there is always a choice for all faculty in terms of selecting a medical plan to best meet their health needs. But because the Kaiser plan is a less costly plan, our goal is to encourage those faculty who can, to join Kaiser. Why? Because it could save the District money, therefore we will be looking at fewer cuts in Kaiser.

For **Blue Cross** we are considering the following cost savings: Dr Visit copayments; increased prescription co payments; increase deductible for those who go out of network etc. For **Kaiser** we are looking at: increased prescription co pays; and additional cost for going to the ER without being admitted.

Do we want to make these changes? Of course not as we have a great medical plan. Do we want to incur salary reductions instead? No. We heard you loud and clear on that option. Salary reductions are the last option because it hurts everyone and can impact faculty retirement and the members' ability to pay their bills. The Union prides itself on a strong salary schedule (we've maintained our competitiveness in the state) and on a healthy medical plan.



With this in mind, we believe increasing the costs for those who use the plan (doctor visits, prescriptions etc) is the most equitable way to make some permanent reductions to our District's deficit. If there are questions or input, please feel free to attend our Executive Board/Membership meetings twice a month on Fridays.

**FA, AFT 6157 Executive Board Meetings
 Spring Semester 2011**



Date	Time	Campus	Location
Friday Feb 25 th	9:30am-12:30pm	SJCC	SC 104
Friday Mar 11 th	9:30am-12:30pm	EVC	Appi Mishra
Friday Mar 25 th	9:30-12:30pm	SJCC	SC 204
-Council of Div Reps	1:00-3:00 pm	SJCC	SC 204
Friday Apr 8 th	3:00-5:30pm	SJCC	SC 204
Friday Apr 29 th	9:30-12:30pm	EVC	Appi Mishra
Friday May 13 th	9:30-12:30pm	SJCC	SC 204

What Has The Union Done for You Lately?

Unsung Heroes of our Union Representatives

A True Account by Dr. Sabri Bebawi, Language Arts

The content is the opinion of the writer and does not represent the union's opinion

It was a brutal time; it was a traumatic time; it was a long year. It was a College Administration vs. Union. It was right vs. wrong.

Since I have been struggling with various illnesses my physicians ordered me to reduce my working load as a full-time faculty and, for my safety and the safety of others, not to drive or fly.

Reasonable Accommodation, Really?

I had requested that the college meet its legal obligation by providing me with what the law refers to as a "Reasonable Accommodation." This meant that I would teach my reduced load, with on line classes only at 70%. Dean Marty Kendall had assigned me two classes before her retirement and I had signed the contract for online ESL

091 and one online section of English 1A. All was well. Except then my dean retired and our department was without any leadership.

To my bewilderment, I was sent a revised contract where my already assigned English 1A class had been removed and I was asked to sign a new contract for one class; this meant that I would lose my medical insurance as I would not be teaching at least 60% which is required for me to receive medical benefits. I had nowhere to turn for help but our union. Barbara Hanfling came to my rescue. She stood by me, advised me, and fought for me.

The district, under the force of the union represented by Barbara Hanfling, decided to conduct what they referred to as an "*Interactive Process*." This process was more like an interrogation lead by the vice-chancellor and other administrators, who had appeared to conspire with others, to jeopardize my position by taking out my assigned English 1A from my already signed contract. It did not feel supportive, and many of the questions seemed intrusive

and invasive. I became a target of suspicion, attacks, insults, and harassment by many, as emails flew around my department questioning my disability and the Dr.'s recommendation.

Strong Union Representation

Barbara Hanfling unfaltering stood by my side all the way. She knew my legal rights and battled heroically on my behalf. Like a shrewd, vigorous, potent lawyer, Barbara counseled me; intervened when questions were inappropriate; censured the investigators when they were out of line. The result was that I received my assignment back after receiving a letter from the vice-chancellor which stated the College needed to adhere to the law and to their legal obligation.

It is not uncommon that many heroes work behind the curtains and, thus, are unrecognized for their bravery and fight for justice; our union representatives seem to be among those unsung heroes. My hat is off to you, Barbara, and to all your colleagues.

CFT Offers Scholarships to Dependents of Union Members

Application deadlines: High school seniors: January 10, 2011
Continuing college students: July 1, 2011

<http://www.cft.org/index.php/scholarships.html>



For more information or to get a hard copy of an application mailed to you, contact your AFT local union, or call the CFT Costa Mesa Field Office at 714-754-6638.

Public Education Teachers the Victim of Drive By Shooting

by David Yancey, FA, AFT 6157 President

The suspect has been identified as Davis Guggenheim with known associates the likes of Michelle Rhee, the recently fired head of the Washington DC public school system, Arne Duncan, Secretary of Education and other high ranking US Government officials. The assault was unprecedented and the weapon was a movie full of distortions, untruths and glaring omissions. Guggenheim argues his motive was a heartfelt concern for “those poor people” who attend the public schools in our country, but surely one can surmise that his “drive by” was a badly intended shot aimed at the heart of public education in this country.

The Suspect:

Guggenheim is an unlikely suspect since he has no connection or experience with public education. He is a graduate of Sidwell Friends, an elite Washington D.C. private school where the Obamas’ enrolled their children. In fact, his daily “drive by” the poorer, lower test scores schools of inner city Washington DC schools motivated Guggenheim to make his movie.

His film uses assumptions and his own top down societal perspective of how sad it was for those people to have to go to those schools. In her book *The Myth of Charter Schools*, Diane Ravitch reports that Guggenheim’s attempt at telling the story of public education is unbalanced, and it blames all the trouble in public education on—yeah wait for it—*public school teachers* and their *unions*.



The Fallacy:

The theme of the movie is about the struggle of five students as they await the results of a lottery draw, that’s right a lottery draw, to see if they can escape the dreaded public school system. Anthony, a 5th grader is one of 61 hopefuls waiting to get one of 24 spaces in the elite SEED Charter School; Francisco is trying to get into the Harlem Success Academy where 792 applicants are trying to get one of 40 seats; or Bianca, a kindergartner at that same Harlem Academy is hoping to be one of the 35 accepted from the 797 applicants; Daisy from East Los Angeles is applying to KIPP LA PREP, one of 135 vying for 10 slots. But the pattern and the premise in this movie is clear. Charter schools are good and public schools are bad.

Guggenheim’s movie argues that more money is not the answer, although the SEED Charter School above spends \$35,000 per student, that’s right \$35,000, and the other high profiled charter schools in this movie are often funded by wealthy philanthropists like Geoffrey Canada’s Harlem Charter schools whose organization has millions to spend and pays Canada \$400,000 annually to run the schools.

Furthermore the movie never shows one good public school in the whole country, really, he could not find one? And yet his movie seems to portray charter schools as the only choice of all parents. Diane Ravitch points out again the fallacy in this argument. Only one in five (20%) charter schools ever reach the level of success of those shown in the film, and he fails to tell the audience that there are twice as many failing than successful charter schools I guess he did not want to confuse people with facts.

One last irony Ravitch points out is that Guggenheim actually promotes the education system in Finland as the model we should aspire to in the US, but he does not say or probably does not know that the Finnish system features a completely unionized teaching force. Go figure!

The Real Victim:

The worst assault of the movie attacks teachers themselves. Guggenheim is convinced that teachers are the lynch pin to every students success. This is a long held and always inaccurate view of the power of the classroom teacher in the education of any student. Study after study, year after year, has qualified the effect and the impact the classroom teacher can have on any given students success. The most recent studies have estimated the teacher’s impact at somewhere between 7-10% and in general the consensus of opinion is that it is no higher than 10-20%. Teachers are important, make no mistake, but they cannot save the child from all the other factors that affect their learning. The

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Public Education Teachers the Victim of Drive By Shooting

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greatest impact on a student's ability to learn is most often outside the classroom—**beyond** the control of the teacher. Anyone who has worked in the profession knows this instinctively.

There are many other fallacies in this plot but suffice it to say that this is an unfair, unbalanced and an unadulterated attack on public education by someone who knows only what he perceives as he “drives by”.

How to react:

Let me close by encouraging you to read Diane Ravitch's book, **The Myth of Charter Schools**, because it will give you **much** more insight into this film and the fallacies it contains. It will also provide you with reinforcement of your own innate sense of what life is like in your chosen field and help you steel yourself against the onslaught of unfair and biased criticism that we are enduring under the current administration and attacks from the

right wing conservatives today. Always remember that you are doing honorable work under often very difficult circumstances.

And lastly, remember you, the public school educators, are the core activist in the preservation of our democracy. A publicly educated electorate was the great hope of the founders of this nation because they knew it was the best defense against an abusive government.

Paul Fong Dinner

by Jess Votaw, AFT 6157 Adjunct Representative

On September 30th, at the Dynasty Restaurant in Cupertino, a fundraising dinner was held to support State Assembly member **Paul Fong** in his upcoming bid for re-election on November 2nd. Paul Fong, representing the 22nd Assembly District, is a champion for both labor and education having already sponsored several successful pieces of legislation. San Jose-Evergreen Faculty Association

AFT6157 was proud to be one of several sponsors of the dinner. I am sure most of you are aware that Paul Fong is one of our own faculty members from Evergreen Valley College.

Barbara Hanfling, FA, AFT 6157 Executive Director, was joined by **Frank Espinoza**, FA Vice President,



Jesse Votaw, Frank Espinoza, Paul Fong, Barbara Hanfling and Minerva Duke



Richard Hobbs, SJECCD Trustee, and Executive Board Members **Minerva Duke** and I for an enjoyable evening conversing with the other attendees, being entertained by celebrity chef Martin Yan, and partaking of the several dishes of Chinese food that were served. Sharing our table with us were members from the Faculty Association of the Foothill-De Anza Community College District where Paul Fong formerly served as a Trustee.

Adjunct News and Views

1. Attention Adjunct Faculty! What Retirement Program did you select?

By Jory Segal, FA, AFT 6157 Adjunct Negotiator

Be aware that you may not have a choice in the future? There is serious discussion at the state level about eliminating the Defined Benefit option for adjunct.

Adjunct Faculty working in the San Jose Evergreen Valley Community College District can choose from 2 retirement plans, Cash Balance or Defined Benefit.

The **Cash Balance** program has many similarities to a 401K program. Adjuncts contribute 4% of salary, and the District contributes 4% of salary to an individual fund. Both contributions are immediately vested. The plan has a guaranteed interest rate based on the average 30-year Treasury rate. When an adjunct faculty member retires the adjunct can take the contributions as a lump sum, or an annuity. If the adjunct has any unused sick leave upon retirement, no money or any other credit is received for the sick days.

The **Defined Benefit** program is the same program that full time faculty participate in. Adjunct faculty contribute 8% of their salary and the District contributes 8.25% to a large group fund. It takes the equivalent of 5 years of full time service to be vested. Defined Benefit contributions that the adjunct faculty member contribute will be returned, if employment is terminated before the retirement is vested.

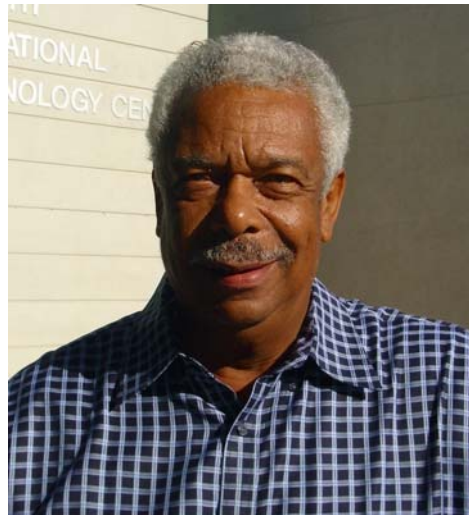
Retirement benefit calculation is based on the number of full time years worked, (full time is the equivalent of

teaching 2 semesters of a 1.0 load **times** the highest 3 years salary **times** the adjuncts age at retirement). Most money will be received if you are at least 63 years of age at retirement. On the defined benefit plan there will also be some credit for unused sick days which may increase your years of service.

In my opinion, the Defined Benefit Plan is a much better option for an adjunct employee who plans to make teaching a career. Anyone who can become fully vested (by working the equivalent of 5 years full time), will probably earn more by selecting the Defined Benefit plan. Take the time to educate yourself. You might not have the choice in the future.

If there are any questions feel free to contact me jory.segal@evc.edu

2. Welcome New EVC Adjunct Representative Walt Atkins



Walt Atkins was born in San Francisco, California. He attended several California High Schools as a teenager under foster care supervision. After graduating from San Jose City College, Walt pursued and completed an undergraduate degree in Behavioral Science and a Master's degree in

Public Administration both from San Jose State University. Walt joined the San Jose Police department in 1969 and rose through the ranks retiring as the Assistant Chief of Police.

Since retiring from the San Jose Police department, Walt has been teaching Political Science and the Administration of Justice as an adjunct faculty member at Evergreen Valley College and San Jose City College. He appreciates all the hard work the Union has put into representing adjunct. Also, Walt has had teaching experience at San Jose State University, the College of San Mateo, and De Anza College. His interests beyond education are broad and varied to include long distance bicycle riding, competitive weight lifting, and hiking. He and his wife Jan Adkins share a love for live theater, stand-up comedy, and travel.

Walt is enthusiastically looking forward to serving and representing the adjunct faculty at Evergreen College.

3. Adjunct Faculty: Right to Collect Unemployment over Intersession

by Barbara Hanfling, Executive Director FA, AFT 6157

Adjunct faculty have the right to collect unemployment (UE) over intersession, based on a Superior Court decision filed by the CFT called **Cervisi et al vs. Unemployment Insurance Appeal Board**. The Superior Court stated the following: "...the assignment form issued to the instructors stated that: 'employment is contingent upon adequate class enrollment.'" The Court also held that the record established that the offers of employment made by the school employer were "contingent on adequate enrollment, funding, and

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Adjunct News and Views

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Jory Segal, Jesse Votaw and David Yancey attend the Adjunct Faculty Meeting at SJCC.

the approval of the District's Board of Governors."

The Superior Court concluded that "under the statute, an assignment that is contingent on enrollment, funding, or program changes is not a 'reasonable assurance' of employment." Based on

this Court Decision fought for by San Francisco CFT local, adjunct faculty now enjoy a right and privilege that can help them through the times when they are not teaching. If you wish to collect unemployment, you must apply in a timely manner. Therefore, it is important that you access the unemployment board web site for all the information you might need.

First file your claim for unemployment benefits with your local UE office online. If your claim *is* denied at the local level, **you must appeal this denial within the time frame listed on the denial form.** Also remember that even if you have a contract for teaching for the spring semester, **you must answer no to the question of whether you have a guarantee to**

work. That contract is not a guarantee as you know; you can be bumped from this contract. Also when asked **if you have a Union**, you must answer no to that question also, as the question is geared toward those who work from Union Hiring Halls. Unfortunately your Union doesn't help you find jobs.

You may want to mention the Cervisi decision listed above when you are applying for UE benefits. Please feel free to contact the FA, AFT 6157 if you have any questions, and consult the following sites for more information:

Unemployment
www.edd.ca.gov
 CPFA
www.cdfa.org/unemployment.html
 FACCC
www.faccc.org/part_time/parttime.htm

Something to Smile About

by Jesus Covarrubias, SJCC Ethnic Studies Faculty and AFT 6157 Council of Division Reps

I had the opportunity to attend the 21st annual Hispanic Charity Ball at the Fairmont Hotel along with **Barbara Hanfling**, FA/AFT 6157 Executive Director and **Fabio Gonzalez**, FA/AFT Executive Board member. We were also joined by **Chancellor Rita Cepeda** and her husband **Juan Cepeda** along with about 750 movers and shakers from Silicon Valley. Attending the event, but not at our table was SJCC math instructor **Graciela Cochran**.

While I normally don't attend too many stuffy black-tie events, I was pleasantly surprised to see some of the positive work that is being done by the Hispanic

Foundation of Silicon Valley (HFSV) as it relates to Education, Health, Leadership and Research in the Latina/o community. The highlight of the evening was the "La Familia" award given to the Payne family that has a long history of service to the country. I was glad to see my friend and fellow musician Robert Payne and his family acknowledged for the good community work they do.

In addition, our CFT/FA table was very excited to see in the program that the HFSV scholarship recipients for this year included students from SJECCD. To me, this was a significant highlight given the not-so-good news of late.

Kudos to the good teaching that goes on in our District that is making a difference!



Graciela Cochran SJCC Faculty, Rita Cepeda Chancellor SJECCD & Barbara Hanfling FA AFT 6157 Executive Director

Choosing When to Bank Your Overload

By Minerva Duke-Carusio, FA, AFT 6157 EVC Full Time Rep

I wanted to share some facts that I learned this past summer. If you bank overload, there is an important reason to do it during the academic semester, and not during the summer. Banked Overload is a way that full-time members may accumulate credit toward paid leave for one semester. I have used it twice. One semester I lived in Spain, and, 3 years ago, I spent a semester in Italy. You can use it for anything you wish, as long as you submit the appropriate request to your dean by April 1st (no fooling) for leave in the fall semester, and by November 1st for leave in the spring semester.

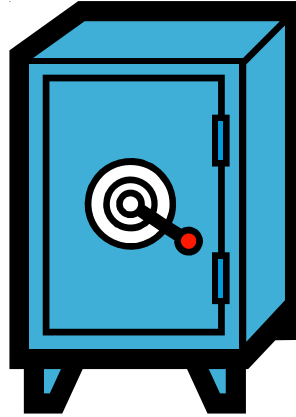
First 40% Overload Outside Academic Semester Pays More

Our contract states that full-time faculty shall be paid Pro-Rata Salary Schedules (Appendix D-3,D-4) to the maximum of 40% annually for the first 40% of overload outside the Academic Semester. Instructional assignments over the 40% annual maximum (when working outside the Academic Semester) will be paid at the faculty member's placement on the Adjunct

Pro-Rata Salary Schedules (Appendix D-1, D-2).

In simple words, we are paid more for the first 40% of overload we work during summer and intersession. The start of the academic year is in the summer, so if you don't have to bank some of your load in the summer, don't do it because you are banking a higher paying class. Bank during the academic semester when your overload pays you less but is still worth the same banked.

I wanted to bank last summer because I was not sure that the physical education department would be able to teach overload in the regular semester. I received my contract to sign, and I **did not** pay attention to my contract. The Business Office had put all lab classes to bank and a lecture class to get paid. By doing this I lost over \$1,000 dollars on my paycheck. If you are teaching lecture and lab classes; it



is an excellent strategy to always put the lecture class in the overload bank (the lower paid of the two)

I learned a valuable lesson: Check the contract carefully, and do not sign your S-7 or summer/intersession contract without asking questions about your

classes, especially if you teach both lab and lecture classes that are not only loaded at different percentages, but are paid differently as well.

Remember, the faculty, not the business office, decides what classes go in the column of paid overload or banked overload. The last thing to remember is that if you do not teach summer, then if you teach overload in the intersession, the first 40% of overload teaching will be paid on the higher Pro-Rata Salary Schedule. All overload during the academic semester is paid at the adjunct rate. Again check your S-7 and Summer/intersession contract carefully.



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