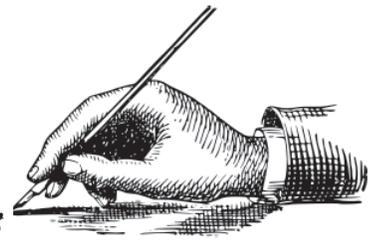


Newsletter

For Spring, 2018



Written by and for the faculty of Santa Barbara City College

Challenge or opportunity?

By *Cornelia Alsheimer*

This Spring started with a tragedy for Santa Barbara, the deadly mudslide which affected so many of our college's students and employees. In order to start the semester in an orderly fashion for as many students and faculty as possible, the administration decided to postpone the first day of classes for a week. Many members of our college community worked extra hours including evenings and weekends to make this happen, including a 5-hour commute to work for some. The Faculty Association wants to give a wholehearted thank-you to everyone who went the extra mile to make this possible. For some of us, however, this change created a disruption of our summer travel plans. The FA, Senate President, and administration have acknowledged that flexibility needs to be given to students and faculty who had already made commitments for the extended week in May.

The college budget is an ongoing challenge. While the decline in enrollment has leveled off somewhat, we are still looking at an overall 2% decline this school year compared to 2016/17, with in-state credit enrollment almost stable, but greater reductions in international and out-of-state students. The current year projections for the college finances are looking a bit better than originally budgeted, but we are still close to a \$3M deficit.

Adding to this mix, the governor and chancellor's office have proposed a new funding formula incorporating enrollment size, percentage of low income students, and percentage of students attaining a degree within 3 years. Faculty have significant concerns about performance-based funding; recent research in 30 states has shown that this tends to shift resources away from students who need extra help. If enacted, however, projections for this new formula initially predicted a few million dollars of additional funding to SBCC. This is no surprise, of course; we work very hard to make student success the center of what we do here. It is currently undetermined how soon - or whether - this new money is coming to our college. It appears that at least the 2.5% state CoLA proposed by the governor will be upheld. Only the governor's upcoming "May Revise" will provide a reliable forecast.

These uncertainties will place extra stress on the upcoming negotiations. Our current contract expires on June 30 and the FA is putting together our proposal to bring to the negotiating table. As always, compensation is at the top of our list. As you can see in the most recent salary study (p.3) our full time faculty schedule (Schedule 10) has fallen more than 7% behind the median for some steps. The part time faculty

and overload hours schedule (Schedule 11) has not seen an increase beyond CoLA for more than a decade and is still limited to one class and 9 steps. This needs to be addressed and I am confident that the administration and the Board share our goal of fair compensation.

Additionally, there are several other aspects of our contract which need review: the existing limit to TLU banking, the missing FA representation on CPC, and the current approach to large class sizes come immediately to mind. Although available funding remains uncertain, we do not want to overlook anything that is of pressing importance to faculty. Please contact me or any of the FA board members with your suggestions with respect to salaries and working conditions.

The FA determined our negotiation team for the next contract at our meeting on April 6th. We want to move quickly, as yet another change/challenge has just been announced: the departure on July 1st of the District's lead negotiator Dr. Paul Jarrell, who will be leaving SBCC to live and work closer to his family in Oregon. The FA would like to thank

Paul for his productive cooperation during the two years he has worked at SBCC. He came from Pasadena, bringing with him not only experience as an administrator but also as

a teacher and board member of the PCC Faculty Association. This "training" made it easy to work with him. At this point it is not clear who will replace him on the District negotiation team.

So, what will not be a challenge next year - let me think.... Oh, yes, health insurance premiums are projected to not increase in 2018/19. One thing off our list.

Enjoy the remainder of your semester and please mark your calendars for the following events:

FACCC Part Time Faculty Workshop
Thursday, April 19, 5:30 p.m., in BC214

FACCC Retirement Workshop
Friday, April 20, 11 a.m., in BC214

FA Spring party
Friday, April 27, 4 p.m. at Laura Welby's home.

Dr. Cornelia Alsheimer is the president and chief negotiator of the Faculty Association. She chairs the accounting department.

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Union fee structure challenged in SCOTUS

By Jeff Gray, Jamie Campbell, and Geordie Armstrong

One of the fundamental problems of unions is that of “free riders” – people who benefit from the union’s activities (collective bargaining, improved work environments, grievance mediation, etc.) but who choose not to become members of the union. Unions (including ours) generally have “agency fees” – fees charged to members and non-members alike – for these activities.

The legitimacy of agency fees has been a contentious issue in the past, reaching the Supreme Court multiple times, most recently in the case *Janus v. AFSCME Council 31* in January of this year, but also previously in *Friedrichs v. California Teachers Association* in 2016 and *Abood v. Detroit Board of Education* in 1977, as well as several other cases. In *Abood*, the Court ruled that agency fees for public sector unions are legal, which is where the law stands today. In the most recent challenge to *Abood* before *Janus*, *Friedrichs* ended in a 4 – 4 tie when Justice Antonin Scalia died before voting on the decision. The remaining 8 justices split strictly along liberal/conservative lines with the liberals (Justices Kagan, Breyer, Sotomayor, and Ginsburg) finding for the legality of public sector agency fees and the conservatives (Justices Roberts, Kennedy, Thomas, and Alito) finding against. Justice Scalia was widely expected to join the other conservative members to make the decision 5 – 4, but he had not yet produced his decision when he passed away, and *Abood* was not overturned.

In 2017 Mark Janus joined a new challenge to *Abood* originally filed by Illinois Governor Bruce Rauner (governor Rauner was later dropped from the case, leaving Mr. Janus as the sole petitioner). Mr. Janus’ argument is that, since public sector unions enter into bargaining agreements with the government, the bargaining itself necessarily influences government policies, and is thus inherently political speech (this differs from previous suits that generally argued that the *explicitly political* activities of unions, such as endorsing candidates or donating to their campaigns, effectively turned agency fees into compulsory political speech. The difference here is the argument that the *inherent function* of public sector unions is political by definition. Therefore this suit targets only public sector unions). Since Mr. Janus disagrees with some of the activities of the union representing him and his co-workers, he argues that the agency fees charged to him are a compulsory fee on behalf of a political viewpoint he disagrees with, which would be an unconstitutional violation of his free speech rights under some circumstances.

The AFSCME side of the case argues that the actions of public sector unions are not inherently political speech because the government is acting as an employer rather than as a political entity, and that Mr. Janus’ free speech rights aren’t violated because he is entirely free to try to convince the union to see it his way and to speak out publicly as he sees fit. They therefore argue that there’s no reason to overrule the previously established decisions finding public sector agency fees both constitutionally allowed and also in the public interest.

Court watchers widely expect a 5 – 4 decision in favor of Mr. Janus (with Justice Neil Gorsuch replacing Justice Scalia and the other votes remaining the same as in *Friedrichs*), which is likely to outlaw agency fees for public sector unions. It is possible that the Court could find in favor

of AFSCME, or that there could be a decision in Mr. Janus’ favor that doesn’t outlaw all public sector agency fees, but that doesn’t appear to be the way the wind is blowing.

The forthcoming decision could therefore have profound consequences for our Faculty Association. If the Supreme Court overturns decades of precedent and determines that agency fees infringe on the constitutional rights of nonmembers, we will lose a significant portion of the income that funds our fundamental union activities, including negotiations, grievances, legal fees, board meetings, FACCC membership, and conference attendance, and others.

For example, in the March 2018 pay period, we had 313 members and 406 non-members for a total of 719 faculty in the bargaining unit. Our collected dues during this time were \$6,986.32 from members (0.27% of non-summer income) compared with \$2,802.48 from non-members (the agency fee of 0.22% of non-summer income). The agency fee accounted for 28.8% of our dues income in March, which is typical; it generally accounts for roughly 30% of our income.

Any organization that loses 30% of its ongoing operating funds faces a serious challenge. While until now the FA has generally run small surpluses, the loss of the agency fee would mean a shift to deficits and erosion of our reserve funds. This is clearly unsustainable and would inevitably lead to an increase in dues or a decrease in services, which might increase the number of free riders.

Eroding union power is really what this fight is all about, of course. At the bottom of this debate on the rights of unions to charge both members and non-members is the strength and perceived threat of the unionization of workers. Unions began as an attempt to counter the strength of corporations as they attempted to demoralize and intimidate workers by firing them at will for small infractions in a blatant assertion that laborers are interchangeable. In response, the workers challenged their disposability by uniting, creating an effective counterweight. This solidarity is the power and idealism under which the labor union was created. And ever since the establishment of unions and their assertions that workers are not nameless chattel, the powers that be have attempted to divide and fracture worker unity.

Attempts to create rifts in the solidarity of workers have sometimes come in the form of government and corporate intervention. For example, Grover Cleveland ordering troops to break the Pullman Strike in 1894 or the National Guard charging workers striking against Carnegie Steel in Pennsylvania in 1892. There are also examples from popular culture: On the *Waterfront* portrays corrupt union organizers who unfairly dole out jobs to their cronies; and in Steinbeck’s *In Dubious Battle*, an agitator attempts to tank a union strike and bankrupt workers in order to send a larger message about the need for a socialist state. The suggestion that unions seek to corrupt and divide us is part of our cultural discourse and one that is easy to buy into with little background knowledge.

Mark Janus’ claim that our fee structure is a violation of his First Amendment rights comes in this vein. It is another part of the discourse that

While until now the FA has run small surpluses, the loss of the agency fee would mean a shift to deficits and erosion of our reserve funds

FT Faculty salaries again lag behind median

2017-18 SBCC FT faculty salaries vs. median of comparable schools

By Anna Parmely

A brief history: In 2013 the salaries for managers and classified staff at SBCC were recalibrated to the market median based upon an externally conducted salary study of ten comparable community colleges. In response, the Faculty Association requested similar treatment and the administration agreed. A study of 2013-14 salaries of the same ten community colleges revealed that most full-time faculty salaries at SBCC lagged far behind the market median, with the greatest gaps appearing in latter steps, in some cases as much as 11% and more than \$10,000 annually. This was in large part due to a relatively weak longevity policy for SBCC faculty when compared to other colleges as well as when compared to other bargaining groups at our own college.

After a successful round of negotiations, steps 7 to 16 of the 2013-14 full-time SBCC faculty salaries were recalibrated to the median. Next, for 2015-16 salaries, the faculty longevity policy was restructured into steps which approximated the 2013-14 market median (also adding on any CoLA provided from the state since that time) and was more similar to the longevity policies of SBCC management and staff.

However even after these significant gains, subsequent salary studies show that SBCC full-time faculty have again fallen below the market median, increasingly so each year. And subsequent to the 2015 faculty negotiations the longevity policies for SBCC managers and classified staff were favorably restructured, which has not been extended to faculty as of yet.

Where are we now? In the last four years since the original faculty compensation study, several comparison colleges have made significant salary gains beyond the meager CoLA percentages that the state has allotted. Yet in that same time SBCC has suffered a significant decline in ongoing revenues due to a dramatic decline in enrollment, which has made it difficult to keep up. A March 2018 analysis of current salaries reveals that SBCC full-time faculty have fallen significantly behind the market median (see tables).

SBCC Full Time Faculty salaries in Class II: steps 8 through 30 are all below the market median, some more than 6%. Though it is notable that the first 7 steps in this salary class are slightly above the market median, the most common initial placement for new SBCC full-time faculty is step 7 or higher, meaning the first six steps are often not used.

SBCC Full Time Faculty salaries in Class V (the highest non-doctoral salary class): ALL steps in this column are below the market median. The most significant gaps occur in steps 11 to 33, all of which lag more than 5% below the market median. Steps 17 through 27 are more than 7% below the median, over a \$7,000 per year difference.

The market median for salaries is a moving target and SBCC faculty have fallen significantly behind. It will be increasingly difficult to attract and retain the best faculty possible if salaries do not stay on par with other colleges.

Anna Parmely leads the Faculty Salary Study and is a negotiator for the Faculty Association. She teaches in the math department.

| Class II (Masters Class) | | | Class V (Highest Non-Doctoral) | | |
|-----------------------------|------------|--------------|-----------------------------------|------------|--------------|
| Step | Difference | % Difference | Step | Difference | % Difference |
| 1 | +\$1,091 | +1.85% | 1 | -\$2,089 | -3.21% |
| 2 | +\$2,133 | +3.50% | 2 | -\$2,625 | -3.91% |
| 3 | +\$1,739 | +2.76% | 3 | -\$2,089 | -3.02% |
| 4 | +\$2,372 | +3.64% | 4 | -\$1,567 | -2.20% |
| 5 | +\$1,976 | +2.94% | 5 | -\$1,833 | -2.50% |
| 6 | +\$1,580 | +2.28% | 6 | -\$2,122 | -2.81% |
| 7 | +\$1,184 | +1.66% | 7 | -\$2,668 | -3.44% |
| 8 | -\$1,662 | -2.26% | 8 | -\$2,413 | -2.94% |
| 9 | -\$2,336 | -3.09% | 9 | -\$3,175 | -3.76% |
| 10 | -\$3,014 | -3.89% | 10 | -\$3,879 | -4.47% |
| 11 | -\$2,888 | -3.63% | 11 | -\$4,594 | -5.15% |
| 12 | -\$3,768 | -4.61% | 12 | -\$5,384 | -5.88% |
| 13 | -\$4,656 | -5.56% | 13 | -\$6,244 | -6.64% |
| 14 | -\$3,764 | -4.38% | 14 | -\$5,867 | -6.12% |
| 15 | -\$4,583 | -5.34% | 15 | -\$5,876 | -6.08% |
| 16 | -\$5,742 | -6.69% | 16 | -\$6,204 | -6.29% |
| 17 | -\$5,742 | -6.69% | 17 | -\$7,116 | -7.21% |
| 18 | -\$5,742 | -6.69% | 18 | -\$7,734 | -7.84% |
| 19 | -\$5,205 | -5.92% | 19 | -\$7,100 | -7.02% |
| 20 | -\$5,205 | -5.92% | 20 | -\$7,468 | -7.38% |
| 21 | -\$5,205 | -5.92% | 21 | -\$7,837 | -7.75% |
| 22 | -\$4,694 | -5.21% | 22 | -\$7,247 | -6.99% |
| 23 | -\$4,694 | -5.21% | 23 | -\$7,615 | -7.35% |
| 24 | -\$4,694 | -5.21% | 24 | -\$7,984 | -7.70% |
| 25 | -\$4,213 | -4.57% | 25 | -\$7,438 | -7.01% |
| 26 | -\$4,213 | -4.57% | 26 | -\$7,671 | -7.23% |
| 27 | -\$4,213 | -4.57% | 27 | -\$7,903 | -7.45% |
| 28 | -\$2,066 | -2.19% | 28 | -\$7,267 | -6.69% |
| 29 | -\$2,066 | -2.19% | 29 | -\$7,500 | -6.91% |
| 30 | -\$2,066 | -2.19% | 30 | -\$7,733 | -7.12% |
| 31 | +\$80 | +0.08% | 31 | -\$7,145 | -7.12% |
| 32 | +\$80 | +0.08% | 32 | -\$7,376 | -6.64% |
| 33 | +\$80 | +0.08% | 33 | -\$7,609 | -6.85% |
| 34 | +\$2,226 | +2.25% | 34 | -\$5,375 | -4.74% |
| Median of Percentages | | -3.76% | | | -6.54% |

Full study available at <http://fa.sbccc.edu/compensation-studies>

CONTINUED FROM JANUS, PAGE 2

unions gouge workers and monopolize bargaining and are an unnecessary nuisance to hard workers committed to the American ideals of dignity in work and a job well done. This challenge is really an attempt to weaken unions' power to advocate for their workers, an advocacy that is in place precisely to ensure our dignity as workers. Depleting our fundings intended to damage our ability to advocate for our members and thus make us appear ineffective and superfluous, and to further divide us.

While unions may have begun as a backlash to corporate abuses, today only 7% of the private sector is unionized while 36% of the public sector is. This decision would strongly affect public sector unions and diminish our ability to advocate on behalf of workers. The solution? Join the Faculty Association! Our mission is, as always, to support our faculty and ensure our collective ability to serve and strengthen our community. Consider FA membership and participation today!

To join the Faculty Association, contact Geordie Armstrong, our director of membership and elections, at bgarmstrong@pipeline.sbcc.edu.

Jeff Gray is a member at large of the Faculty Association. He teaches in the math department.

Jamie Campbell is the treasurer of the Faculty Association. He chairs the math department.

Geordie Armstrong is the director of membership and elections for the Faculty Association. She teaches in the Earth and planetary sciences department.

FA Executive Board

| | |
|--|--|
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FA Elections A Call for Candidates

Five seats on the Executive Board of the Faculty Association will be up for election this spring. Faculty will choose a minimum of two full-time members and two part-time members, with a fifth seat going to the highest vote getter (see Article V, Section 1 of the FA Constitution)

If you are interested in serving on the FA Board, please submit a brief candidate statement (attached in a Word document) to Geordie Armstrong at bgarmstrong@pipeline.sbcc.edu

The deadline for candidate statements is April 16th at 6:00 pm.

The Faculty Association

Spring Party

Join us in celebrating the illustrious careers of:

*Patrick Foster
Margaret Hontos
Brenda Hudson
-and-
Jeff Meyer*

Where: Laura Welby's wonderful home at 1118 Corto Camino Ontare, in Santa Barbara

When: Friday, April 27th, from 4:00 - 7:00 pm

Music by: Lou Spaventa and his band of renown!