

President's Report

## State's May 19 Special Election Delivers Devilish Dilemmas

by Richard Hansen, FA President

The initiatives on the May 19 California special election ballot present a devil's bargain to community college advocates. While a "yes" vote may protect community colleges from deeper cuts, passage of this package of propositions also tightens the funding noose around the necks of other essential public services. The bargain might be worth the risk if, as intended, it guaranteed the 2009-10 budget crafted back in February. Unfortunately, the State predicts a budget shortfall of at least \$8 billion even if all of the May 19 propositions pass.



Hansen

If all the measures fail, on the other hand, add another \$6 billion to the deficit. Either way, the state budget will be reexamined in June, and the community colleges will be called upon to swallow their share of the shortfall.

Should all May ballot measures fail, the \$6 billion loss translates into about a \$300 million loss for the community college system. If the system is held responsible for a similar share of the \$8 billion revenue shortfall, community colleges could face an additional \$400 million hit, for a total of \$700 million. Locally, if the ballot measures don't pass, the District could suffer a \$9 million cut. And, if the entire \$700 million were to come out of the community college system budget, the District cut could rise to \$20 million.

To prevent this dire scenario, some faculty will work hard to make sure the ballot measures pass. All community college faculty might support the package if it weren't such bad public policy. The revenue provisions in Proposition 1A are based heavily on sales taxes, a regressive tax that's especially hard on the under- and

unemployed. Proposition 1C offers additional revenue through a "modernized" state lottery that again disproportionately "taxes" the struggling poor.

Finally, and perhaps most unpalatably, the revenue from Propositions 1D and 1E will come from programs for children and the mentally ill. These programs are funded under other propositions passed years earlier, and the argument in favor of approving them is that the programs haven't used all of the money allotted to them. Propositions 1D and 1E allow the State to dip into the children's fund for the next five years and the mental health fund for the next two. Robbing Peter to pay Paul sounds okay if Peter isn't using all of his money at the moment, but the funds transfer bodes ill for the long-term viability of both programs.

In the upcoming May election, the devil is also in the details, specifically the insidious link between Propositions 1A and 1B. The latter, even if supported by voters, can't be enacted unless Proposition 1A also passes. Proposition 1B guarantees K-14 repayment of the Proposition 98 funding withheld during this current budget crunch. This settle-up money would be paid to the community colleges over a span of about six years. Recouping monies owed under Proposition 98 in the past required a costly lawsuit, so Proposition 1B would be a much easier and cheaper alternative. If Propositions 1A and 1B do pass, projections are that Foothill-De Anza would net nearly \$30 million.

So, though there's a lot to cheer about and promote in Proposition 1B, we also have to swallow Proposition 1A. In addition to increasing the sales tax for a fixed period, Proposition 1A establishes a reserve "rainy-day" fund that requires contributions during better economic times and imposes a ceiling on annual state expenditures in the future. Many, many public services will feel the pinch, but once again—to win the advocacy of the powerful K-12 lobby—the wily authors of this package sweetened the deal for community colleges and K-12 by exempting

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Negotiations Update

## District Proposes "Cap" on Benefits

by Anne Paye, FA Chief Negotiator

The FA negotiating team didn't have to wait long for the other shoe to drop after the District failed to persuade the other bargaining units to offset increased health benefit costs next year through modest plan changes (detailed in February's FA News). Given that failure, the dire budget picture, and the District's insistence that all units must agree on changes to the benefit plans, FA's prediction of perilous consequences has already come to pass.

At the April 8 bargaining talks, the District proposed its drastic alternative: to "implement a defined Benefit Contribution to be set at a Per Employee Per Month (PEPM) amount to be determined." This is the first step toward radically changing the nature of health benefits employees have enjoyed since the District's inception.

Never mind that a "defined benefit contribution" is a contradictory phrase. A plan may be classified as either a defined benefit or a defined contribution according to how the benefits are determined. A defined benefit plan (such as STRS) guarantees a certain payout according to a fixed formula while a defined contribution plan (such as Social Security) fixes the amount of the contribution with the payout being determined by the amount of money contributed and the performance of the investment vehicles utilized.

What the District actually proposed is a defined contribution toward employee health benefits, in other words, a "cap" on benefits. Instead of absorbing the annually increasing health costs (projected at 13 percent for 2009-10, 12 percent for 2010-11, and 11 percent for 2011-12), the District would contribute a fixed dollar amount for a single employee, an employee plus dependent, and an employee plus family. The amount, as yet unspecified, would have to be negotiated.

Imagine that such a plan were already in place and that the District had contractually agreed to fully fund the present cost of the Kaiser and the EPO (Exclusive Provider Organization, formerly known as the PPO-Network

Only) plans. Who would pay the 13 percent increase for next year and the 12 and 11 percent increases for the subsequent two years? You guessed it: the employee. Relief would come only in the form of a re-negotiated cap and—given the state economy and the District's chronic internal operating deficit—even the most imaginative can only dimly envision the District agreeing to fund a substantial increase.



Paye

While the District crunched persuasive numbers—a budget deficit of \$11M going into next year and an inability to sustain operations if required to eliminate 75 to 100 positions to balance the budget—and couched its proposal in noble terms, such as "the District is seeking solutions that are fair and equitable," FA responded that the District has started off on the wrong foot. No question that the current fiscal challenges have a magnitude unlike any we have faced before, but by changing its tactics from the carrot to the stick, the District will only solidify opposition to its goal.

FA will be working with its own health benefits consultant to find appropriate measures to reasonably contain the escalating costs of health benefits without resorting to the District's drastic proposal. Increased cost sharing will no doubt be part of any solution, but additional savings could occur through participation in a joint powers authority or coalition—for example, CalPERS, SISC (Self-Insured Schools of California), or a public school trust—that pools resources and employee populations from public agencies in order to gain greater bargaining clout with health providers and thus help to control costs.

Make no mistake about it: FA will protect faculty health benefits with all the ferocity of the proverbial bear defending her cubs.

### Open Enrollment for Benefits About to End

Once each year, all District employees are given the opportunity to review their health and welfare benefits and to make any necessary changes. This year, the Open Enrollment period is April 6–30. Changes made will become effective July 1, 2009.

The process is now entirely online. Beginning 8:00 a.m. April 6, employees were able to log on to [www.ielect.com](http://www.ielect.com) and see their current benefits (for 2008-2009) as well as make changes for 2009-10. The website will shut down at 5:00 p.m. April 30.

Note that the UnitedHealthCare plan names have changed: the former PPO Network Only plan is now called the EPO plan, and the former PPO+ plan is now the PPO plan.

For more details, access the benefits website: <http://hr.fhda.edu/benefits>.

## Employees Must Comply With DEA Audit

*The reality cannot be any clearer: Faculty must provide required documentation in order to ensure 2009-10 health benefit coverage for their eligible dependents.*

By the end of April, full-time faculty will have completed their Open Enrollment—but this is only Step 1 of the process for insuring dependents. Step 2 is the Dependent Eligibility Audit (DEA) handled through Secova.

By May 20, Secova will mail to employees' home addresses the information and materials necessary for completion of the audit on enrolled dependents (spouses and children). Employees are required to submit 1) a copy of the 2008 Federal Income Tax Return (Form 1040), the first page and signature page only or an IRS e-file (acceptable without a signature); and, 2) the signed and dated Benefits Verification form provided by Secova.

The Benefits Verification form requires employees to certify that the information they are submitting to prove eligibility for dependent(s) under the District's benefit plans is true, accurate, and complete. If the information is incorrect or incomplete, or fails to be updated in accordance with eligibility guidelines, employees may be subject to the following: reduced coverage levels, repayment of any claims or premiums paid by the District, and/or disenrollment of their dependent(s).

Employees who are divorced and are required to carry coverage for dependent(s), but cannot claim their dependent(s) per court order, must submit the Court Order Statement in lieu of the 1040. Note that in compliance with IRS regulations, the following documents will no longer be accepted as proof of legal dependent status for spouses: a current rental agreement or 2008 property tax records that show co-ownership.

*The deadline for complying is June 15.* By this date, all full-time employees must either 1) provide Secova with the required

documentation or 2) notify Secova that they are filing an extension Form 4868 with the IRS and will provide the required documentation in accordance with the deadlines described below.

To request an extension due to late income tax filing, employees must submit a copy of the 2008 Application for Automatic Extension of Time to File U.S. Individual Income Tax Return (Form 4868) to Secova by August 15, 2009. In cases where employees file an IRS return later than this date, the deadline for providing verification to Secova is October 15, 2009, which is also the IRS final deadline for late income tax filing.

*Failure to provide the required documentation by the specified deadline will disqualify the dependent for coverage effective July 1, 2009.* In addition, employees may be responsible for any employer contributions to, and benefits paid by, the plan for ineligible coverage.

*Grace Period Reinstatement Fee:* Employees who fail to meet the June 15 deadline may request reinstatement of dependent coverage for Plan Year 2009-10 by contacting Human Resources and providing documentation to Secova no later than July 31, 2009. Reinstatement will require a \$500 penalty fee to the District for late compliance and will be enforced through payroll deduction on the first month of pay for the new plan year. Otherwise, re-enrollment will not be allowed until the next plan year. This grace period will pertain to the 2009-10 year only and will not be repeated in subsequent years.

Faculty who find the District two-step requirement to ensure medical coverage for their dependents "too onerous" are well advised to slow down, relax, breathe deeply, and remember that they are securing a benefit package that totals from \$10,000 to \$22,000 depending on the plan choice and number of dependents.

## Flash 10 Required for Portal Use Starting Mid-May

As ETS predicted, most faculty had no trouble submitting Winter 2009 grades via the Portal. Of the 918 faculty—split almost evenly between Foothill and De Anza—who submitted grades online (for over 2,600 classes!), only 7 percent didn't have the newly required Flash 10 application so had to use the one-time only alternate method.

Until the District starts using Banner, the new Educational Information System (EIS) program now being developed and tested, ETS is working to complete the upgrade of our existing portal. To enhance the reliability and stability of the application, their next step is to replace the existing Class Roster on the "My Classes" portal tab (which doesn't require the use of Flash 10 to view rosters or send emails to students) with the updated Class Roster application, currently on the "My Classes (V3)" tab. After this exchange occurs, which is scheduled for May 15, faculty will see only one tab labeled "My Classes," and Flash 10 will be needed to use all functions: view class rosters, email students, and submit final grades.

After May 15, those faculty who last quarter submitted grades via the Portal without Flash 10 will need to get the Flash 10 application installed in order to use the class roster functions. Faculty with questions about Flash 10 or those who want to find out if their district computers need to or can be upgraded should contact Matt Rapczynski in the ETS Information Systems group (650.949.6286, [rapczynskimatthew@fhda.edu](mailto:rapczynskimatthew@fhda.edu)).

# FA Seeks New Executive Council and Negotiation Team Members

## Executive Council

FA is seeking nine faculty members—four from De Anza, three from Foothill, and two part-time faculty—to serve on the Executive Council for two-year terms starting Fall 2009. Members are paid \$100 for each Executive Council meeting (typically two per month) and \$25 for each liaison/committee meeting report. Council members have the following responsibilities:

- Attend Executive Council meetings on the first and third Wednesdays of each month, from 3:00-5:30 p.m.
- Attend the annual FA retreat for two days in October
- Serve as liaison to at least one division/program
- Inform the negotiating team of faculty concerns and questions
- Become familiar with the *Agreement* in order to best represent the faculty

A “Petition for FA Executive Council Candidacy” will be put in all faculty mailboxes May 1. Interested faculty need to send in the signed Petition and email a short (150-250 words) campaign statement to FA (elwell.susanne@fhda.edu) by noon May 18. Campaign statements will be published in the May FA News, and elections will be held June 9 and 10.

## Negotiation Team

FA is seeking full-time and part-time faculty interested in becoming a negotiator trainee. With veteran team members retiring in the next few years, FA is looking to augment its team with new members who have

a long-term commitment to the job. Skillful negotiators are not only nimble at the bargaining table, but also keen in institutional lore and contractual knowledge—and that takes time to develop.

Negotiators represent the needs of all faculty by developing contract proposals, assisting in research, imagining scenarios of working conditions that may differ from their own, formulating arguments, and detailing specific contract language. Typically, the FA negotiation team has had representation from both campuses and a variety of disciplines in order to well represent diverse faculty interests.

In putting together the negotiation team, FA looks for members who, collectively, have expertise in the following areas: mathematics (including spread sheets), budget, oral argument, historical perspective, California Education Code, problem-solving, health benefits, research, diplomatic discourse, and especially written communication. Historically, the FA team has exemplified the meaning of “team,” with each member contributing his or her expertise to the common cause.

The negotiation team meets on Mondays and Wednesdays between 1:00 and 4:00 p.m. for strategy sessions and/or to negotiate with the District. Full-time faculty receive approximately 25 percent reassigned time plus a \$550 stipend per quarter. Part-time faculty can opt for reassigned time and/or compensation equivalent to two assignments annually, paid at the appropriate step and column of *Appendix A*.

Interested faculty should send a letter of application listing background and qualifications to FA by May 15; interviews will be held shortly thereafter. For more information, call Susanne Elwell in the FA office (650.949.7544).

## Faculty Encouraged To Vote in FACCC Elections

Faculty should already have received several emails from FACCC regarding the current online elections (<http://www.faccc.org>).

The deadline to vote is April 30. Faculty can call the FACCC Office (916.477.8555) to get their sign-in name and password.

Three FHDA District faculty are running:

- Alex Giardino, Region A Governor
- Thelma Epstein, Governor for Retired Faculty
- Richard Hansen, Treasurer

## Know Your Contract

# PGA vs. PAA: The Differences

by Linda Lane, FA Grievance Officer

## PGA: What is it?

PGA stands for “Professional Growth Activity.”

Probationary faculty perform professional growth activities as outlined in the evaluation criteria. No particular number of units has been established or standardized (see *Tenure Review Handbook* for details and examples of acceptable activities).

All faculty, both probationary and tenured, must earn PGA units to advance steps or move across columns on the salary schedule. For step advancement, nine quarter or six semester units are required every four years. For column change, 24 semester units (12 of which must be credit coursework) are required.

Those faculty who want to apply for a PAA need nine quarter or six semester units of PGA. Note: PGA units used for a PAA can also count towards column advancement.

## PGA: What are the categories?

There are three PGA categories, and each has its own Recording Form:

- *Appendix O1*: for units earned from credit coursework. Official transcript(s) are attached as verification.
- *Appendix O2*: for hours of participation/attendance at conferences, workshops, and non-credit courses. Conversion rate is 18 hours = 1 quarter unit. Brochures, flyers, agendas, receipts, etc., are attached as verification.
- *Appendix O3*: for hours spent on pre-approved projects and for service on Tenure Review Committees. For projects, the conversion rate is determined by criteria established through negotiations and past practice, and they are reviewed by the PGA Committee at each campus. Documentation/description of the project must be submitted as verification. For each phase of Tenure service, the chairperson earns two quarter units and all other members earn one unit.

These forms are available in the *Agreement* and on the FA website (<http://fa.fhda.edu>). Each form requires the signature of an appropriate manager, usually a dean, and must be turned in to the campus personnel office by the contractual deadline.

Note that although upper-division credit coursework needs no pre-approval, lower-division coursework does. It is a good

idea to discuss all planned activities with a manager to avoid being short of units at the filing deadline.

## PGA: What are the timelines?

PGAs are accumulated on four-year cycles, beginning with year one as a probationary faculty member. Faculty are encouraged to fill out an appropriate recording form(s) at the end of each academic year, rather than submit forms at the end of the four-year cycle. At the end of a four-year cycle by June 1, all signed Recording Forms must be received by the Campus Personnel Office, at Foothill Gigi Gallagher (650.949.7454) or at De Anza Cynthia Smith (408.864.8260).

## PAA: What is it?

PAA stands for “Professional Achievement Award.” It is a monetary “bonus” available to full-time faculty after they have been at step M on any salary column for one year and if employed within the District for at least the prior four years. The application form is *Appendix I*, available in the *Agreement* or as a download from the FA website.

There are four PAAs, each adding to the base annual salary in cumulative amounts: PAA #1 = \$2,000; PAA #2 = an additional \$3,000; PAA #3 and #4 = an additional \$3,750 each, with a grand total of \$12,500 per year. See *Article 38* for more details. Note that since PAA amounts augment base salary, they increase retirement benefits.

## PAA: What are the parts?

The PAA application has three parts: 1) evaluations—Administrative, Peer, Student, and Self; 2) documented PGAs; and 3) record of Special Service.

## PAA: What are the timelines?

PAAs are available on four-year cycles. Every Spring Quarter, Human Resources distributes a PAA eligibility list to faculty mailboxes. By June 1, those eligible must submit all PGA Recording Forms to the appropriate campus department (Gigi Gallagher at Foothill, Cynthia Smith at De Anza). Faculty will subsequently receive a printout of their PGA units for the past four years and must staple it to page 1 of the PAA application. By July 1, faculty submit the completed PAA application to their supervisor. Faculty should be sure to get the Tear Sheet (page 3 of *Appendix I*) as verification that the application was turned in on time.

Note that though faculty are not expected to perform Special Service or perform PGA during a PDL, they still must earn nine quarter/six semester PGA units during the past four years to qualify for a PAA.

## PAA: How does Special Service differ from PGAs?

The PAA application form requires docu-

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Lane

# Council Appoints New Foothill Conciliator

Congratulations to Jordana Finnegan, Language Arts Division, who was appointed by the FA Executive Council at the March 18 meeting to a three-year term as Foothill Conciliator, starting Fall 2009.

As an English instructor who teaches both composition and literature courses, Finnegan brings to FA critical thinking and creative problem solving together with recent experience as a member of the Foothill Academic Senate and a family tradition of involvement in labor/union matters. FA News will publish a more detailed article on Finnegan in the September issue.

FA was very enthusiastic about and impressed by all of the other candidates and hopes they will apply for FA positions in the future.

# PGA vs. PAA . . .

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mentation of both PGA units and Special Service. Though some activities could qualify as either, there are significant differences.

PGAs contribute to faculty job-related growth performance whereas Special Service connotes faculty contribution of expertise to their campus, the District, or the academic community at large. PGAs can include coursework, participation in workshops, and projects related to a discipline. Special Service can include committee work, leadership roles, presentations, or demonstrated commitment—extra time and effort—to the department, college, or the District.

Faculty can choose whether to list some activities as PGA or PAA. As examples, service on a tenure committee or presentation at a workshop can be converted to PGA units or listed as Special Service. See *Article 38.4* and *38.5* for more details.

# District Wellness Events in May

The District is sponsoring biometric screenings at both campuses. Full-time employees can learn about their body mass index, body fat percentage, blood pressure, cholesterol and glucose numbers.

De Anza: May 13, 7 a.m.-1 p.m., Hinson Campus Center; May 14, 9 a.m.-1 p.m., Santa Cruz Room

Foothill: May 11, 7 a.m.-1 p.m. and May 12, 9 a.m.-1 p.m., District Board Room

Those who participate in the screening and a subsequent health risk assessment will receive gift cards.

# Election Dilemmas . . .

(From Page 1)

Proposition 98 funding from the cap. The penalty for not supporting Proposition 1A (and most community college advocates do oppose its funding limits) is the loss of the guaranteed payback of funds withheld under Proposition 1B. To recoup these funds would require going down the arduous and uncertain lawsuit path again.

All the “big” community college players are split on supporting this package of budget maneuvers. Legislative Republicans are, on the whole, opposed. The spending cap and rainy-day fund in Proposition 1A isn’t enough for them to break their pledge against taxes, any taxes. The K-12 dominated California Teachers Association (CTA) and its community college appendage, the Community College Association (CCA), are in support, especially of Propositions 1A and 1B. The California Federation of Teachers (CFT) and its community college segment, the Community College Council (CCC), oppose all but Proposition 1B. The Community College League of California (CCLC), representing administrators and trustees, is in support of the entire package.

After a lengthy discussion, the Faculty Association of California Community Colleges (FACCC) board decided to refrain from recommending positions. The consensus is there are no easy answers. To help you make an informed decision, FACCC will post comprehensive “pros and cons” on its web site ([www.faccc.org](http://www.faccc.org)).

One more item to consider is Proposition 1F. If passed, it punishes the legislature and governor when there’s a state budget deficit by prohibiting any salary increases for them. Though a “yes” vote on this Proposition may feel good and does penalize the officials, unfortunately it won’t do anything to solve the State’s budget problems.

# The Retirement News

## Retirement Workshop

Whether you are still going through the tenure process or finishing up your last PAA, it’s the right time to begin planning for retirement. District employees and their spouses/partners are invited to attend the FA sponsored retirement workshop, featuring guest speakers from STRS, PERS, Social Security/Medicare, FA, and FHDA Human Resources.

Friday, May 29, 2009  
12:15 p.m.-5:00 p.m.  
De Anza Campus Center Conference Rooms A and B

## STRS Earnings Limit

For 2009-10, the STRS earnings limitation is \$30,580.

# NEWS

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## FOOTHILL-DE ANZA FACULTY ASSOCIATION

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Letters and articles from District faculty are invited. FA, 12345 El Monte Road, Los Altos Hills, CA 94022. Ph: 650.949.7544 Email: [ElwellSusanne@fhda.edu](mailto:ElwellSusanne@fhda.edu) Website: <http://fa.fhda.edu>

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