

## **EXECUTIVE COUNCIL MEETING MINUTES**

March 13, 2013

(Approved by the Executive Council on March 27, 2013)

Executive Councilors present (noted by \*):

*Julie Thompson, <i>presiding</i>	*Ted Crowell	*Andre LaRue	*Margaret Pennington
*Paulette Bell	*Dianne Davis	*Sean Martin	*Audrey Spall
*Lara Branen-Ahumada	*Terry Ehret	*Bud Metzger	*Mike Starkey
*Shawn Brumbaugh	*Deirdre Frontczak	*Terry Mulcaire	*Phyllis Usina
*Paula Burks	*Brenda Flyswithawks	*Nikona Mulkovich	

Officers/Negotiators present: Will Baty, Lynn Harenberg-Miller, Jacqueline McGhee, Warren Ruud, Jack Wegman

Guests present: Dr. Mary Kay Rudolph, Vice President of Academic Affairs  
Doug Kuula, Environmental Health & Safety Manager

Faculty present: Troy Stevenson

Staff members present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:09 p.m. in Doyle Library, Room #4245, on the Santa Rosa campus.

### **CLOSED SESSION REPORTS**

1. Conciliation/Grievance Report. This report and discussion were conducted in closed session.
2. Negotiations Report. This report and discussion were conducted in closed session.

The Council moved out of closed session at 4:06 p.m.

### **OPEN SESSION: PRESENTATIONS**

1. Revision to District Policy 2.0 District Governance. Vice President of Academic Affairs Dr. Mary Kay Rudolph appeared before the Council and said that she was making her rounds to the various constituent groups presenting and soliciting feedback on the proposed new Policy 2.0: "Expectations of District Employees Regarding Board Policies and Administrative Procedures." She explained that, during a discussion about policy and procedures review in College Council, someone asked what happens if an employee doesn't comply with a policy or procedure and noted that it doesn't state what the consequences would be anywhere in the District's policy manual. Dr. Rudolph was charged with the task of consulting the District's attorney, who suggested some language and agreed on the necessity of including it in the manual in case there are employees who are unaware that, if they fail to comply with Board policies and procedures, they would get into trouble.

Julie conveyed AFA's concern about the phrase "Board policies and administrative procedures of the District," noting that it is too vague. It was also pointed out that the title of the policy manual is "Sonoma County Junior College *District* Policy Manual," and the AFA/District Contract also refers to the "*District* Policy Manual"—not the "*Board* Policy Manual."

Dr. Rudolph explained that she matched that particular phrase to the phrase used in Policy 2.1 ( <http://www.santarosa.edu/polman/2govern/2.1.pdf> ). Julie suggested that the words be capitalized if they are intended to refer specifically to the policy manual. Dr. Rudolph said that she was open to other suggestions, and she pointed out that this policy doesn't affect or conflict with AFA's (or SEIU's) due process articles. If an employee doesn't comply with a policy or procedure, then those progressive discipline articles would apply. This policy merely states that employees have to follow the rules.

2. Revisions to District Procedures 6.8.2P: Injury & Illness Prevention Program. Environmental Health & Safety Manager Doug Kuula returned to share with the Council the changes he made to the procedures in order to address the concerns that the Council expressed to him at its February 13<sup>th</sup> meeting. The Council's concerns were focused on two issues: (1) the responsibilities of the department chair under Section I. Responsibility; and (2) the timeframe for reporting accidents under Section V. Accident/Injury/Exposure Investigations.

(1.) Section 1: Responsibility (Section E → F: Department Chairs)

Doug: We were trying to include everyone who has supervisory responsibility. It turns out that department chairs don't have supervisory responsibility over faculty, but they do over classified staff. District policy is silent about students, STNCs, and professional experts. I removed department chairs from the section it was in before and set up a separate section. What about coordinators? Should they be included with department chairs?

- Sometimes a chair will peel off and give part of his or her responsibilities to a coordinator, but it might have nothing to do with supervision. You wouldn't say that a coordinator, by definition, would take on supervisory responsibilities.
- Doug: As an example, program coordinators in Health Sciences would fall under the dean. There are some nuances, and I don't know if we're going to deal with them this round, because I don't want to add to the confusion. What I did with department chairs is that I made the operational unit be the academic department. I added, "The chair is not the immediate supervisor of department faculty, but serves as a liaison to assist the supervising administrator and dean in the performance of their responsibilities identified in section I.E. above with regard to faculty as employees." This language parallels the AFA contract. The second part is, "The department chair is the immediate supervisor of the department's classified staff, STNCs, professional experts, and student employees..." My question is, who is responsible for student employees? I'm trying to find somebody who is locally responsible for what's going on in a department. Everybody is responsible for the student-safety piece. I'd have to mimic a lot of this language because, if you have that supervisory responsibility over classified staff, you fall into that role. What I need to know from AFA is, is that role going to continue or are we getting away from that? Will the dean be the supervisor of classified staff?
- The District is still dealing with this issue—it's in litigation. It's really the job of the administration to supervise classified staff.

Doug K: The only way I can write this document is based on the way the AFA/District Contract is written now. Ideally, this is a living document. If the Contract changes and this relationship gets modified, I'd be back here at a Council meeting with another revision.

The language about "visitors" caused some concern in the Academic Senate particularly amongst faculty in Theatre Arts and the Library. This language was about when you're inviting a visitor into your department, and it wasn't meant for departments that cater to visitors. I'll work on changing that wording. One of the changes suggested was to say "visitors, not including patrons," and then we could give examples (like athletic events, Theatre Arts, the Library, etc.).

- What happens if I'm going to invite someone to make a presentation to a class? Once this policy is adopted, am I supposed to give this to my visitor when he's only going to be there for an hour, and he's not coming back?

Doug: It's hard, because departments come in a lot of different flavors. In the English department, a visitor looks different than a visitor who is touring the Chemistry Department or a machine shop. In those cases, you have to wear safety glasses. It might be that this "visitor" language causes too much confusion. When you invite someone into an environment where you have rules for operating, they need to be made aware of those rules. There are different sets of rules for keeping people safe.

- "Visitor" might be too loose. Sometimes people wander in and look around. How about some term that makes it clear, like "invited visitors" or "officially invited visitors"?
- "Patron" doesn't really capture it for the Library. Community members use the library.

Doug: Library faculty have a responsibility to ensure the safety of their visitors. They're inviting the public. Bookcases could fall over.

- That's the District's responsibility, not the chair's. Our libraries get over 900,000 visitors per year.

Doug: It's easy to say that you don't want to be responsible, but then who is?

- The Library department chair doesn't interface with all 900,000 visitors. Why should the chair be responsible if a visitor spills water on the floor by the water fountain and another visitor slips? This part is written too broadly. The District needs to ensure that all visitors on campus need to be aware of avoiding hazards and unsafe conditions, not the department chair.
- Perhaps a sign should be put up that says, "Enter this location at your own risk."
- If a faculty member is working in an area on a daily basis and sees something, like a shelf or a chair that is broken or looks like it's going to fall, s/he should report it to the chair, and the chair should report it to the supervising administrator.

Julie: If you were to fiddle with this language and email it to the Council, those of us who have strong concerns can take another position. I don't want to vote on this in College Council until I'm confident that the Executive Council supports it.

Doug: I understand, and that's why we're here. I'll try to address these concerns, rewrite the language, and send it to you. If you think it's okay, we'll go with it. We may end up striking this section. It's not worth holding up the rest of the procedures.

Also, one other change I made was that I took the language about designating Building and Area Safety Coordinators and moved it up to the deans' section. That made more sense.

## (2) Section V: Accident/Injury/ Exposure Investigations: (C. Accident/Exposure Documentation and Reporting)

With regards to the reporting timeframe, Doug said he changed the phrase "immediately at the time of the incident" to "as soon as reasonably possible, but no later than the next business day." It was suggested that the sentence be revised further to say "no later than the close of the next business day." In response to a question about what the current timeframe is between an incident and when an employee has to submit an incident report, Doug said that there is no deadline or any discussion of a report in the District's current IIPP. He also clarified that when employees get injured, they are not responsible for submitting the report. Their responsibility is to report the incident to their supervisor, and their supervisor is responsible to report it to Susan Muskar in the Human Resources Department. If an employee were taken away in an ambulance, District police would submit the report. The reason for the short timeline is that EH&S needs to go over and preserve the scene of the incident before anyone changes it. If Doug can't see what happened, he can't figure out what caused the problem and how not to have the accident happen again. Responding to a suggestion that employees contact District police after an accident, Doug said that that would just bog them down. In response to all the questions that have come up regarding the revisions to the IIPP, EH&S is working on a new form to provide guidance as to what to do with the injured person. He pointed out that the reason most people feel odd about the incident reporting process is that no one has received any training in it.

Julie asked Doug to include the date that College Council will be approving the final draft when he forwards his revisions to the Council. (Doug said he thought the date of that meeting is April 18<sup>th</sup>, but he will confirm.) Due to time constraints, Julie asked that those present email Doug directly if they had any additional concerns. The Council expressed its appreciation to Doug for his time and efforts with a round of applause.

3. Annual Audit for 2011-12. AFA's accountant (Mike Gibson, Gibson & Associates, Inc. C.P.A.) had to cancel his presentation, so Secretary/Treasurer Paula Burks made the presentation in his place. She highlighted the salient aspects of the two reports, which are available online at <http://www.santarosa.edu/afa/audits.shtml> . For the 2011-12 fiscal year, the "chargeable" proportion of AFA's expenses was 98.74 percent. Chargeable expenses include items such as salaries for office staff; conference and travel; accounting fees; reassigned time for officers, negotiators, and other positions; and stipends for adjunct Councilors. Non-chargeable expenses for the year totaled \$3,378 and included items such as donations, recognitions and awards, and the portion of the fees paid to the California Community College Independents' (CCCI's) advocate for the advocacy education/training that he conducted at the Council's Spring 2012 retreat. AFA's total revenue in 2011-12 was \$273,457. Total expenses, including \$2,000 that was paid out of the PAC fund, were \$269,180, and the change in net assets for the year was a positive \$4,050. AFA's net assets at the end of the year (June 30, 2012) were \$230,429 in the unrestricted accounts and \$23,956 in AFA's PAC account. Paula encouraged those present to review the reports and contact her if they had any questions. On behalf of Mike Gibson, she expressed appreciation to AFA office staff members Candy Shell and Judith Bernstein.

#### **MEMBER CONCERNS**

1. Contract Load Balance, Overload, and Retirement. On behalf of a colleague, Sean Martin requested clarification about load-balancing rules, as follows: (1) What happens when contract faculty members are retiring and they have a "C-load" balance still owed to them by the District? (2) Can a contract faculty member who is owed a balance by the District have an overload assignment? Warren Ruud noted that the District has brought these concerns to AFA, and both parties are working on a clarification.

#### **MINUTES**

There being no corrections or additions, by unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Paula Burks to approve the minutes from the February 27, 2013 Executive Council meeting as submitted (18 in favor, 0 opposed, 0 abstentions). (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

#### **DISCUSSION ITEMS**

1. Appointment to Open Contract Faculty Council Seat for 2013-15. Julie requested that this item be added to the agenda, and there were no objections. She informed the Council that Conciliation/Grievance Officer Jacqueline McGhee had confirmed her interest—initially expressed at the February 13, 2013 Council meeting—in the sixth open contract faculty seat on the Council. Julie noted that the Council would need to fill the seat by the beginning of the Fall 2013 semester, when the term begins. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Deirdre Frontczak to move this item to action (18 in favor, 0 opposed, 0 abstentions). (See Action Item #4.)

#### **ACTION ITEMS**

(For the first three action items below, see the AFA Policy re: Election of Councilors, Officers, Negotiators, and Appointed Positions at <http://www.santarosa.edu/afa/Policies/elections.pdf> and the AFA Bylaws at <http://www.santarosa.edu/afa/Misc/bylaws.pdf> .)

1. Election of Officers for 2013-14. Julie said that the election of officers would proceed in the same order that nominations were taken at the February 27<sup>th</sup> Council meeting. She reiterated that the nomination period remains open until the vote is called, and she then asked whether there were any more nominations for any of the officer positions. There being no further nominations, Julie affirmed that each of the four open positions was uncontested and called for the vote. The candidates were as follows:

- Conciliation/Grievance Officer      Karen Frindell Teuscher
- Vice President for Santa Rosa      Mike Starkey
- Vice President for Petaluma      Nikona Mulkovich
- Secretary/Treasurer      Paula Burks

(Note: President Julie Thompson and Chief Negotiating Officer Warren Ruud will begin Year 2 of their two-year terms in Fall 2013; thus, those two officer positions were not open for election this year.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Ted Crowell to elect the slate of candidates nominated for officer positions for the 2013-14 term, which begins on the first day of the Fall 2013 semester (18 in favor, 0 opposed, 0 abstentions).

2. Election of Negotiating Team Members for 2013-14. Julie explained that there are six seats on the negotiating team, two of which are held by the President and the Chief Negotiating Officer (by position), and two of the seats need to be held by adjunct faculty. She clarified that, if re-elected as Data Analyst, Warren would serve in that position in addition to his position as Chief Negotiating Officer; thus, he would take up only one seat on the team. There being no further nominations, Julie affirmed that each of the four positions was uncontested and called for the vote. The candidates were as follows:

- Negotiator/Data Analyst      Warren Ruud
- Negotiator/Note Taker      Dianne Davis
- Negotiators/At-Large      Ted Crowell  
Terry Mulcaire  
Deirdre Frontczak

By unanimous voice vote, the Council approved a motion made by Nikona Mulkovich and seconded by Brenda Flyswithhawks to elect the slate of candidates nominated for positions on the negotiating team for the 2013-14 term, which begins on the first day of the Fall 2013 semester (18 in favor, 0 opposed, 0 abstentions).

3. Election of Other Positions for 2013-14. Julie informed the Council that Terry Mulcaire has withdrawn his name as a candidate for Publications Coordinator. In the absence of any other nominations for the position, Julie suggested two possibilities: (1) that she could perform that job, as she has done previously, and reduce her teaching schedule; or (2) that the Council could leave the position open for now and solicit interest from the membership. Julie pointed out that the position need not be filled by a Councilor and that it need not be filled until the beginning of the fall semester. Sensing a preference amongst Councilors for option 2, she noted that serving in this position is a great way for faculty members who are interested in getting involved with AFA to learn about the organization and to "get their feet wet." There being no further nominations, Julie affirmed that each of the remaining three positions was uncontested and called for the vote. The candidates were as follows:

- Publications Coordinator      *Open*
- DTREC Co-Chair      Sean Martin
- Bay Faculty Association Representative      Warren Ruud
- Adjunct Cabinet Representative      Paulette Bell

By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Nikona Mulkovich to elect the slate of candidates nominated for other positions,

with the exception of the Publications Coordinator, for the 2013-14 term, which begins on the first day of the Fall 2013 semester (18 in favor, 0 opposed, 0 abstentions).

4. Appointment to Open Contract Faculty Council Seat for 2013-15. (See Discussion Item #1.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Lara Branen-Ahumada to approve the appointment of Jacqueline McGhee to the open contract faculty Council seat for the 2013-15 term (18 in favor, 0 opposed, 0 abstentions).

#### **MAIN REPORTS: OPEN SESSION**

1. President's Report. Julie presented a brief report about the new Gateway to College Program, which will be housed on the Petaluma campus. Vice President for the Petaluma Campus Jane Saldaña-Talley and Dean of Student Services for the Petaluma Campus Lauralyn Larsen were involved in bringing the program to the College. The program comes with a large amount of start-up funding and a built-in mechanism that will shift it to a sustainable funding model. The first step will be to identify, through various means, young people in the community who have dropped out of high school. The program will start off in the first semester with two cohorts, with 24 individuals in each cohort, and it will add cohorts and expand over time. There will be English and Counseling components. Julie noted that the reason this program falls within AFA's purview is because of its impact on Article 16. (See Article 16: Hourly Assignments at <http://www.santarosa.edu/afa/Contract/Articles/art16.pdf> .) These programs, which fall under "institutional needs" in Article 16, have implications for the process of making hourly assignments. When a department offers special programs that meet institutional needs, it can staff the programs without meeting length-of-service/date-of-hire and like-load criteria. As these courses are added to the schedule, the number of classes for adjunct faculty would not be shrinking; however, if faculty members are competing to teach in the program, the selection would be based on appropriateness for the program, not on like load and length of service in the department. One other AFA concern has to do with hiring. When Julie met with Jane and Lauralyn, they expressed the concern that, as the program grows, it may not be possible to staff it with existing faculty, and they may need to do external hiring. Julie noted that she stressed the importance of going through the departments' hiring process. It would likely not sit well with departments if the District hired faculty from the outside to staff special programs and then forced departments to absorb those faculty members. She also pointed out that there are Academic Senate considerations. She commented that Jane and Lauralyn understood the concerns. They realized that there were Article 16 implications, which is why they had initially contacted AFA about staffing the Gateway program. Julie suggested that AFA might be seeing more such programs in the future. She asked that Councilors keep this issue on their radar and contact her if they hear of other similar programs.
2. Treasurer's Report: January 2013. Secretary/Treasurer Paula Burks presented the report and highlighted the largest expenditures for the month, which included: (1) fees paid to AFA's accountant for conducting the annual audit and preparing annual reports and tax returns (See AFA's audit reports for 2011-12 at <http://www.santarosa.edu/afa/audits.shtml> and, also, Presentation #3 for Paula's summary of this year's reports.); and (2) professional fees paid to the California Community College Independents (CCCI) advocate. Paula pointed out that AFA paid the portion of the CCCI advocate's fees related to advocacy training out of the AFA PAC account. She also mentioned that CCCI Advocate David Balla-Hawkins would be making a presentation to the Council at its meeting on April 10<sup>th</sup>.

The meeting was adjourned at 5:04 p.m.

Minutes submitted by Judith Bernstein