

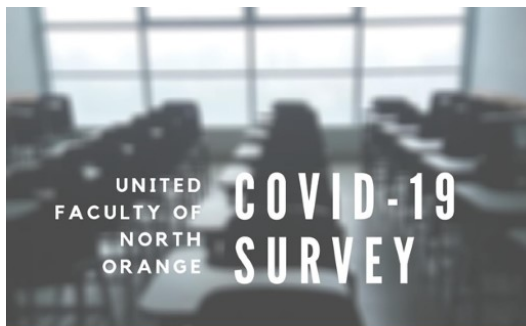
## Negotiations Update

*Mohammad Abdel Haq  
UF Lead Negotiator*

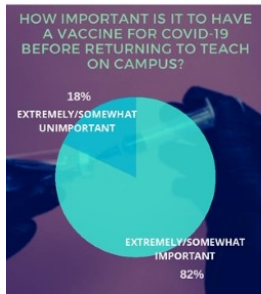
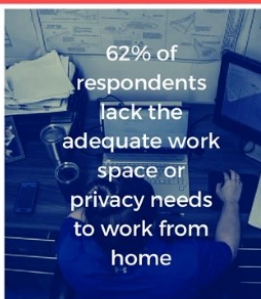
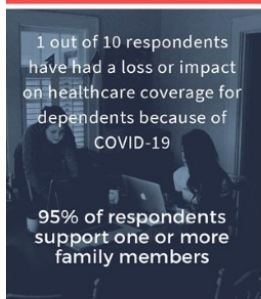
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60% Voter Turnout Rate



Based on the data that was collected from the COVID-19 Impact Survey, our faculty are anxious to get answers and clarification regarding a wide variety of working conditions such as compensation, online training, evaluations (tenure and tenure-track), workload, and a lot more. The District has finally responded to our demand to bargain temporary COVID-19 Summer and Fall MOUs and the next negotiations meeting is scheduled for Tuesday 5/19. We will send email updates as the process moves along.

As for the ongoing salary and benefits negotiations for 18/19 and 19/20, we are still waiting on PERB to provide us with a date for the Fact-Finding session. Last week, Governor Newsom released the state budget's May revise. As many experts anticipate, there were cuts to higher education. However, I must stress that our union is still negotiating pre-pandemic years, which is funding that the District already received from the state. In addition, we have yet to see what further funding community colleges will be receiving in addition to the over 16 million NOCCCD has already received in Federal Government CARES funds.

Actual budget data is important since the District might employ gloomy financial predictions to place the burden on faculty and evade their fiduciary duties. Over the last couple of years, our District gave themselves on-schedule raises and continued with the previous practices of hiring more managers; all while faculty didn't even receive COLA. As a matter of fact, the district moved forward with reclassifications that involved significant raises just a couple of weeks ago. Our faculty will no longer bear any proclaimed financial burdens while we have CEOs making well over quarter-million dollar salaries.

# RETURN TO CAMPUS IN A POST COVID-19 ENVIRONMENT

By Kevin Sampson, Fullerton College



Recently, a faculty colleague contacted me and asked me how the campus environment will change when we “return to work.” I thought, “Return to work? Our faculty members haven’t stopped working. They’re working triple-time these days.” Nevertheless, my colleague’s question was a good one, requiring quite a bit of thought regarding what a post-pandemic return to campus will look like. Properly planned, a transition back to what used to be normal will require a monumental undertaking dealing with fundamental physical campus/classroom modifications, altered administrative procedures, and anxious campus members who will be concerned about their personal health, as well as meeting educational outcomes.

United Faculty understands this! UF leadership has been discussing the topic of “*return to campus*” since the day the District closed our college sites back in mid-March. We are aware that disasters, pandemics, and other related-emergencies will occur - they’re inevitable. What matters in these instances is how well an institution plans and implements policies, procedures, and operational actions that promote stability and a transition back to normalcy. In emergency management, it’s called Recovery. This recovery phase will have a great impact on UF members, as it will frame the future “terms and conditions” of your employment with the District.

Here are two questions I receive most frequently:

**“Will it be safe to return to work? Can the District order me back to work when coronavirus is still prevalent in our community?”**

Sound familiar? These are the questions all employees around the country are asking. We’ve heard and watched the horror stories of employees being ordered back to work under less than safe circumstances and the dramatic increase of infection in such instances.

Here’s what we know: California community colleges are one of the sixteen critical infrastructure sectors needed to maintain the continuity of state operations. Faculty are critical to this mission. This is why we continue to work. Nevertheless, under both federal and state law, when the District calls us back to work (*and this will happen at some point*), it is obligated to protect employees from exposure to the coronavirus under the OSH Act’s “General Duty Clause” and related OSHA standards (29 USC § 654[a]). This section requires the District to furnish a place of employment free from recognized hazards that causes or is likely to cause death or serious physical harm to his employees (Section 5[a]). With respect to the potential for employee exposure to the coronavirus, the General Duty Clause requires employers to implement feasible and useful methods to address potential exposures. If an employer fails to take measures to address the potential for employee exposure to the coronavirus, the employer could be subject to liability under the General Duty Clause. In line with this legal mandate, the District will need to increase instances of social distancing on campus (including classrooms), provide personal protective equipment, and take additional cleaning and sanitation steps. Suffice to say that UF will be in close contact with District administrators related to these and other important areas when it comes to our faculty and student’s health. We will also be in close contact with UF members to gain their insight on how best to meet their critical health needs on campus. Be ready to provide your concerns and ideas.

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Another important question related to faculty return to campus is:

**“Can I be forced back to classroom instruction if I am a ‘high-risk’ candidate for coronavirus?”**

While this is a complicated question that relates to an individual’s medical condition(s) and/or qualified disabilities, and the risk of infection, the answer is generally no. Under the Americans with Disabilities Act (ADA) and related laws for disabled workers, the District should offer reasonable accommodations in these instances that could limit disease exposure, while still meeting essential job functions. Examples could include the continuance of remote/online instruction, the modification to a more flexible work schedule, and/or re-assignment duties that support social distancing (ADA, Rehabilitation Act, 29 CFR Part 1630, 29 CFR Part 1614). If a faculty member possesses a qualified disability and requests an accommodation, the District will need to enter into an interactive meeting to find an accommodation that will allow the faculty member to successfully perform their duties. Under the current public health pandemic, it doesn’t seem unreasonable for health-impacted faculty members to receive an accommodation that could limit a life-threatening health hazard, particularly when the District is bound by law to meet and confer with this legal mandate.

Since faculty members and other campus staff personnel are at great risk of coronavirus exposure due to close interaction with large groups of people on campus and in the classroom, the District should ensure that they have strategies in place that meet their OSHA obligations and to protect workers from coronavirus exposure. Faculty are the life-blood of college/university campuses all across our nation. It is imperative that Unit Members take seriously what a “return to campus” looks like to them. Both our faculty senates and labor union representatives need to collaborate to ensure that our return will be a safe one so we can focus on what we do best – ensure learning.

If you have any questions, concerns, and/or ideas about your return to campus, please contact your UF site rep or UF grievance officers, Linda Borla or Kevin Sampson.

**Here are some things to consider before you return to campus:**

1. Will District campuses open all at once or will it be a “slow” opening?
2. How will I teach in a classroom that requires social distancing?
3. Will the District create smaller class sizes? If so, am I prepared for the change?
4. What will be the District’s plan in case of a confirmed infection found on campus?
5. Will our colleges include a “staggered” class schedule with less classes over time?
6. What steps can we take to ensure that lab class sessions are safe but productive?
7. What will be a faculty member’s obligation to clean or make PPE available?
8. Should our college committee’s continue to meet via Zoom just to be safe?
9. How should extra-curricular activities (*i.e. athletics, theater, etc.*) be handled?
10. What campus facilities will be opened/closed to faculty members on a regular basis?

## Summer Hiring Committees:

### Get Written Permission from the President and HR

By Linda Borla, Cypress College



Although the United Faculty (UF) contract guarantees compensation for summer hiring committees, be sure to follow carefully the contractual process to get full compensation.

The collective bargaining agreement (CBA) clearly indicates that faculty will be paid for summer hiring committee service:

“Unit Members will be compensated for authorized hiring committee service which is performed during periods outside of the regular semesters/trimesters (i.e., intersessions), provided the service is not performed during times when the Unit Member would otherwise be compensated. Such service shall be compensated hourly, at the laboratory rate according to the Regular and Contract Faculty Overload Teaching Salary Schedule (Appendix B)” (Article 27.2).

However, the contract also contains this important caveat: The dean must get **written permission** from the college president **before** faculty begin summer work.

“Unit Members must have written approval from the campus President/Provost or designee prior to performing any hiring committee service during periods outside their regular contract year. Hiring committee service performed without prior written authorization shall be deemed to have been performed as part of the regular contract workload and shall not be eligible for additional compensation” (Article 27.3).

Despite this clear contract language, several faculty members reported to UF that last summer, the Vice Chancellor of Human Resources deducted hours for paper-screening time. When asked about this non-contractual practice, Cypress College President Joanna Schilling said in an email to the UF president that per Human Resources, “Faculty at all three campuses are compensated for the committee work only, which does not include the paper screening time.”

Therefore, United Faculty advises that your dean and/or college president also get in writing from HR the number or hours you will be compensated, including paper screening. If HR denies these hours and pay, please contact the UF president or a UF grievance representative as soon as possible:

UF President – Christie Diep – [cdiepuf@gmail.com](mailto:cdiepuf@gmail.com)

UF Grievance Rep Cypress College/NOCE - Linda Borla: [lborla@gmail.com](mailto:lborla@gmail.com)

UF Grievance Rep Fullerton College/NOCE – Kevin Sampson: [kcsam@aol.com](mailto:kcsam@aol.com)



## Regina Rhymes Wins Statewide Union Recognition: Community College Association Ethnic Minority Award

The Community College Association (CCA) awarded United Faculty member Regina Rhymes the 2019-2020 CCA Ethnic Minority Award in Honor of Maryann Pacheco. Regina, the sole recipient, was selected from union members across the state for her tireless dedication to equity and diversity.

When Regina assumed leadership of the Cypress College Legacy Program in 2015, she inherited a project. Although founded almost twenty years ago, the black studies program had struggled due to lack of interest and financial support by various administrators over the years. Regina had a lot of work to do to revive this important program that recruits and mentors African-American students who work together as a cohort in their English, Ethnic Studies, and Counseling courses. The goal is to improve retention and success rates in the short term and graduation with a degree—first an AA and then a BA or BS degree—in the long term.

To say that Regina succeeded in her goal is an understatement. During her five-year tenure as coordinator of the Legacy Program, Regina, a full-time professor in the Cypress College Sociology Department since 2000, has not only stabilized the problems of financing and administrative support, but she has successfully recruited more and more students. In fact, during the 2019-2020 school year, the program tripled in size from one class of thirty students to nearly 100—an impressive accomplishment. Most of these students complete their degrees and transfer to a university.

Regina's success is due to her tireless dedication to all aspects of the Legacy Program. Of course, both student and mentor recruitment and training are key; however, she also serves as a liaison to campus and district committees to make sure her program is on the table for financing and promotion. Regina has also done an admirable job ensuring that the program's special events are covered in both traditional and social media.

*Continued on page 6*



### Cypress College Legacy Program

**Community.  
Achievement.  
Purpose.**

The Cypress College Legacy Program is the first community college program in Orange County to concentrate on Black Studies.

Cypress College  
Minds. Motivated.

umoja  
COMMUNITY



Graduation 2019



*Continued from page 5*

Although financing and advertising are necessary to any program's success, the real heart of the Legacy Program is Regina's steadfast belief in and dedication to her nearly 100 students. She has developed a one-on-one relationship with her students, and the professors who teach in the program have done the same. Regina trains the mentors as well and fosters the same dedication and connection to the students she has within herself.

Regina has made sure students learn study skills and feel confident as college scholars, but she also makes sure they participate in a variety of extracurricular activities, including a full schedule of events for Black History month, tours of many college campuses, attendance at culture events, and training from Toastmasters.

The Legacy scholars truly benefit from Regina's active participation in Toastmasters, which includes her position as District Governor for Los Angeles County for three years. Part of her duties in this position included motivating her team members to achieve their goals--expertise that she has brought to her Legacy students who eagerly learn the finer points of public speaking. This invaluable training not only develops a valuable skill but also develops self-confidence.

Perhaps Regina's most impressive accomplishment is that she has tripled this program's size without a tripling of the budget. Since the operating costs of such a large program do not leave enough money for awards and scholarships, Regina has personally funded generous Legacy Scholarships for many years—a fact she does not advertise on campus.

Humble, devoted, charismatic, and dedicated--Regina is certainly worthy of the CCA Ethnic Minority Award. The United Faculty leadership asks you to join us in congratulating our outstanding colleague.

## UF's Fola Odebunmi Receives Statewide Union Recognition: CCA WHO Award



The powerhouse leadership of former United Faculty President Fola Odebunmi is well known to NOCCCD faculty. Now, our colleagues statewide have also recognized Fola for her ceaseless work and commitment to faculty rights. The Community College Association honored Fola this month with the prestigious We Honor Ours (WHO) award.

A natural leader, Fola has served as the Cypress College Economics Department coordinator, Cypress Senate president and vice president as well as the United Faculty president, vice president, and negotiator. As UF president, Fola was at the helm during the recession. Still, she managed to organize faculty to stand strong and united against frivolous management hires, including stomping out a new Vice Chancellor position at the district level. Fola protected faculty pay and benefits through these precarious times. As UF president, Fola understood the power of unified voices and organized many protests. The most memorable was a 2010 action against raising student fees that brought hundreds of students and faculty to the streets at Fullerton College. The protest was so impressive that it was covered by TV news and featured on the front page, above the fold, of the *Orange County Register*. This was just one of many articles in a variety of publications about UF under Fola's leadership, including a piece in the *Wall Street Journal*.



After her tenure as UF president ended in Spring 2011, Fola focused her union work at the state level. For the past nine years, she has served as a member of the Community College Association (CCA) Board of Directors—including the past six years as treasurer—a job where she does much more than keep the books. An officer of the association, Fola represents faculty at conferences, meets with statewide union leaders, and lobbies politicians in Sacramento. She has also served as the chair of the CCA Faculty Equity and Diversity Committee—a role that she used to help launch the first statewide conference for the group.

In addition, Fola currently holds the Ethnic Minority Representative at large seat on the California Teachers Association (CTA) State Council. In this role for eight years, she has represented CTA at the 2016 LGBT Anniversary Dinner/Gala in Los Angeles and also attended the Congressional Black Caucus in Washington, DC, five times to lobby for education issues. In recognition of her work for equity and diversity issues at the state and national level and her personal work with minority youth, Odebunmi was awarded the 2011 CCA Mary Ann Pacheco Ethnic Minority Service award as well as the CTA Statewide WHO Award.



Although widely recognized at the state level for her leadership that promotes inclusivity and team building by forming relationships, partnerships, and alliances, Fola is first and foremost a teacher. As she said in her acceptance speech for the CCA Ethnic Minority Service Award, she is primarily devoted to "promoting the learning conditions of students and faculty as well as advancing academic achievement of ethnic minority students." She lives up to these words as an active mentor for both the Cypress College Puente Program and Legacy Program. Please join United Faculty in congratulating our fantastic colleague—a true role model for the current and future UF leadership.

## The Reclassification Shuffle: Executive Managers Get Big Pay Raises



1% vs. 9%

*Retroactive pay for executive managers but not for faculty!*

While faculty negotiations languish at impasse and instructors struggle to make ends meet during the worst financial crisis since the Great Depression, Chancellor Cheryl Marshall, who received a 5 percent raise this year and last year, has been busy reshuffling job descriptions for top executives to give them shiny new titles and, of course, big raises.

Julie Kossick, Director of Human Resources, is the latest manager to receive a cloaked pay raise disguised as a reclassification. At the March 24 Board of Trustees meeting, the trustees approved promoting Kossick to a newly created, district-level position: Associate Vice Chancellor of Human Resources—a mouthful of words accompanied by a tasty 9 percent pay raise. The Board agreed to give Kossick this new position without going through a formal hiring process—an inconvenient fact that United Faculty President Christie Diep reminded the administration and the trustees about before they took their questionable vote.

Diep said, ***“Creating a new Executive Vice Chancellor position outside of any public transparency and zero hiring process that would allow for a diversity of applicants represents an about face to the very goals and values the district professes.”*** Citing the new *Educational Facilities Master Plan* that emphasizes “transparency” and “respect,” Diep added, ***“Where is the transparency for giving a manager a 9 percent raise and retroactive pay when faculty are deemed as being worth no more than 1 percent and zero retroactive pay?”***

Chancellor Cheryl Marshall’s justification for the promotion was that Kossick had allegedly been working outside of her job classification for years, an issue that is problematic in and of itself. However, the supposed extra legal duties are actually part of the current Director of Human Resources job description. Worse yet, two of the three members on the reclassification committee are Kossick’s management-level, HR co-workers: the Vice Chancellor of Human Resources and the Manager of Human Resources.

Kossick is the fourth manager to get “reclassified” since February. Previously, two NOCE deans became vice presidents, and the provost, a president. All of these new titles also included substantial pay raises. Meanwhile, the last salary offer the chancellor and trustees left on the table for faculty—0 percent for 2018-2019 and 1 percent for 2019-2020—looks like stale leftovers after nearly three years of negotiations. UF anticipates that the Public Employees Relations Board (PERB) panel will agree when impasse procedures proceed after the state of emergency. The hearing date is tentatively set for Fall.





4100 Truxel Road, Sacramento CA 95834-3757  
Tel: 916-288-4921 ■ Fax 916-288-4911 ■ [cca4us.org](http://cca4us.org)

May 12, 2020

Dear Christie,

Congratulations! We are pleased to inform you that your chapter has been chosen to receive a 2019-2020 CCA Membership Award: **Chapter with the Most Full-Time Faculty Non-Member Conversions to Member**. Chapters are usually honored with this prestigious award at the CCA Spring Conference. However, since the conference has been cancelled, we will be posting the award winners on the CCA Website and in the CCA *Advocate* this year.

Once you receive the award, which will be shipped directly to you, please take a picture and send it to Bonita Lovell at [blovell@cta.org](mailto:blovell@cta.org) so that we can honor your hard work in recruiting new members.

Thank you so much for your commitment to membership outreach.

In Unity,  
CCA Membership Development Committee



## Officers

President: Christie Diep

Vice President: Gloria Badal

Treasurer: Queen Peterson

Secretary: Billy Pashaie

## Site Reps

Cypress: Robert Grantham & Brandy Young

Fullerton: Archie Delshad & Election in Fall

NOCE: Janet Cagley

## Representative Council

### Cypress

Business/CIS, CTE: Jeremy Peters

Counseling, Fine Arts: Dana Bedard

Health Sciences, PE: Kendra Velasco

Language Arts, Library: Linda Borla

SEM: Eunju Lee

Social Sciences: Steven Estrada

### Fullerton

Business, CIS, PE: Tim Byrnes

Counseling: Juan P. Gonzales

Fine Arts: Phil Dimitriadis

Humanities, Library: Katie King

Humanities, Library: Lugene Rosen

Math, Computer Science: Nick Huerta

Natural Sciences: Jake Sapiro

Social Sciences: Naji Dahi

Tech, Engineering: Charlotte Jimmons

### NOCE

Cathee Mang

## CTA Staff

Region 3, Robin Devitt-Mitchell

## Negotiations Team

Mohammad Abdel Haq, Lead Negotiator

Steven Estrada, Team member

Nicole Ledesma, Team member

Jeremy Peters, Team member

Liz Putman, Team member

## Grievance Representatives

Cypress: Linda Borla

Fullerton & NOCE: Kevin Sampson



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