



Local 1610

College of
MARIN

UPM's Tuesday Debriefing

April 29, 2008

Full-time Hiring: Setting the Record Straight

If managers say they cannot hire new full-time faculty, at best they are grossly misinformed; at worst, they are outright lying. Strong statements, but unfortunately the case. Here is why, with a quick recap of the past history.

When College of Marin became a Basic Aid/property tax funded district, it was realized by UPM and the District that the current upgrading mechanism (Article 16 of the Contract), included some unnecessary (but not inappropriate) requirements. A joint Union-District study group was formed to create an alternative process, and succeeded in doing so. When bargaining on the new contract began a year ago, UPM presented the jointly developed new language at the negotiating table. The District responded by saying they were no longer interested in talking about Article 16—no counter-offer, no explanation beyond it was no longer on the table. Subsequent to this potentially unfair labor practice, the Academic Senate provided UPM with language for a hiring procedure. The District would still not discuss Article 16 with UPM, so there was no means to even talk about this new proposal from the Senate. It should be noted that UPM's legal counsel reviewed the Senate's language and indicated that it includes procedures that would render it unenforceable if they were included in a collective bargaining agreement, so modifications would still be necessary.

So how bad is the hiring situation? UPM has obtained a copy of the documents that present "Staffing Requests in Program Review" as provided to the **Institutional Planning Committee (IPC)**. If IPC and the Budget Committee were to properly act under the current existing language (admittedly in need of repair), of the five disciplines that tied for the highest ranking on the IPC documents, two of them would *immediately* qualify for hiring under the existing contract. So ESL and Anthropology, ask the administration again why they are not hiring? In all, 20 disciplines asked for new hires in the IPC documents (under any system, just because you ask does not mean you will get it). Of those 20 who asked, under the current existing contract language, 9 would immediately qualify, with the potential for additional hires by the District's "wild card" choices. Under the new language proposed by UPM, but not even considered by the District, 12 of the 20 requests would immediately be eligible for new full-time hires, with more possible through the use of wild cards. So 60% of the IPC requests could be met if the District would be willing to negotiate and 45% under the current contract. And again, just because a request is made, does not mean it would be fulfilled. Even the IPC documents show some very low rated requests, compared to others.

UPM does not do the hiring, the District does. But for the administration to say UPM or the contract is preventing them from hiring is outrageous and not true. Timeliness may have passed

them by, but the opportunities to engage in these hirings have existed, under our contract, since the fall of 2007, if not even earlier. Remember, a lie is not the other side of the story, it is just a lie.

Follow the Money

It seems a bit ironic that with the District being funded by Basic Aid/property taxes, and revenue for the District not subject to the ups and downs of ADA funding, money—and salaries of faculty in particular—have been in the news quite a bit lately. Equally ironic is that at the bargaining table the District has completely refused to discuss salary at all, beyond offering a raise of 0% in each of the next three years. While there may be some statements of lack of funds in some areas, the fact remains that the general fund revenues for fiscal year 2008-09 are projected by **Vice-president of Fiscal Services Al Harrison** to *increase* over last year's income. In addition, the **Board of Trustees** finds it appropriate to give themselves a raise of 5%—not a lot of money, they might argue, but there is a principle involved here, UPM might argue. And let us not forget that **Superintendent/President Fran White** has built into her contract automatic guaranteed raises, amounting to a lot of money, some might argue. However, none of this reveals where some of the “real” money is going.

UPM **Budget Monitor Deborah Graham** uncovered the following items of interest:

- In Fiscal Year 2005-06 the District budgeted \$130,000 for Legal and spent \$123,000. In 2006-07 the District more than doubled the budget for Legal (\$299,439) and then proceeded to spend over another hundred thousand dollars (\$400,869 in total), more than tripling the 05-06 budget.
- From 1977-2004, the United Professors of Marin had only three grievances that went to arbitration. Since 2004, under the White administration, there have been two arbitrations with seven more pending.
- Prior to Fran White's arrival the District's chief negotiator (**Paul Laughlin**, an outside consultant) was paid between \$15,000-\$20,000 per labor contract to negotiate each of the 3 District unions' three-year contracts for a *total* cost of between \$45,000-\$60,000 per year.
- From April 2006 through April 2008, District legal counsel and chief negotiator **Larry Frierson** has been paid a total of \$421,429.
- With 10 weeks remaining in the fiscal year, Larry Frierson has already made \$9,201 *more* than the \$213,000 salary Fran White receives this year, making him *the* highest paid employee of the College of Marin.

While the District might argue that some of the above legal expenses are reimbursed by the State, the reimbursement is not guaranteed and it never is immediate. And even if reimbursed, it is still, as is often pointed out, money coming from the **Taxpayers**.

Have a great week!