

31 Years Strong!



**INSIDE**

1 Ponderings of the President	4 Connecting the Dots: Senza Cera	5 Bargaining Update	6 UPM-PAC Deduction Form	7 CRA Trust Update	8 UPM Membership Application
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# Union Press

## Ponderings of the President by Ira Lansing

Full contract negotiations in this district tend to happen in three year cycles, with the actual process taking on average 19 months. As president of the United Professors of Marin I do not sit at the bargaining table during the collective bargaining talks. However, I am intimately involved in the process and often I am called upon to negotiate directly with an administrator some specific aspect that can bring the entire package to fruition. Consequently I do not feel as if I am constantly bargaining, but rather I am involved on an “as needed” basis, with the chief negotiator and the bargaining team handling the regular details. The current negotiations have gone on for over 37 months (still not ended) and have entered territory and procedures new to this organization—we have gone through and are still going through mediation, fact finding (the longest in the history of community colleges in California, if not the nation) and “don’t call it bargaining” bargaining (facilitated bargaining). Even though these processes brought forth new experiences for me and many other people, the overall duration has created the feeling

of near constant bargaining. This highly unusual and unique circumstance has made me wonder quite simply “Why?” What is so different this time that the usual (however that may be defined) is not working? The answer may be as straightforward as lack of sex. I am sure you want that explained.

It would be easy to say that there are personality clashes, there just is no chemistry (no sex without chemistry, or at least not great sex). The current UPM officers just don’t get along with the current administration or Trustees, therefore nothing can get done. That is possible, although both the chief negotiator and I have dealt with dozens of different managers, each with different styles and personalities, over the last years and we have never had to go through what we are currently experiencing. One might look for evidence of our personality clashes by examining the accomplishments of other individuals or groups engaging in similar activities. However, the other labor organizations on campus have encountered the exact same

Continued on 2

difficulties, one even having gone so far as to file against the District unfair labor practice charges with the State. Perhaps different messengers, other faculty, would have more success than UPM, but this also does not appear to be the case. When the District was presented with bargaining proposals formulated by the Academic Senate, they were rejected. When the District was given an opportunity (on at least three different occasions) by the State of California to allow part-timers to regularly work at a 67% level instead of a 60% level, the administration said no (note: when the current contract is signed, the 67% limit will automatically go into effect regardless of the District's previous rejections). Again, rejection does not, as a rule, lead to sex. Why is sex necessary in all of this you ask.

Michael Shermer said ("When Ideas Have Sex", *Scientific American*, June 2010) "If we pull back and take a long-horizon perspective...the free exchange between people of goods, services and *especially ideas* [emphasis added] leads to trust between strangers and prosperity for more people. Think of it as ideas having sex." He goes on to elaborate with the perspective that "[s]ex evolved because the benefit of the diversity it created through the intermixture of genomes outweighed the costs of engaging in it... 'the more they [humans] exchanged, the better off they have been, are and will be'."

Our Board of Trustees and our administration have decided that the benefit of *not* "engaging in it" outweighs the cost. The District has spent approximately three-quarters of a million dollars on our collective bargaining over the last three years, with more costs still unaccounted. Whatever proposals UPM has put forth, in the end their costs are less than these legal expenses, and this does not take into

consideration the time lost by faculty and management in dealing with the whole thing.

Shermer concluded by saying "In other words, our ancestors had sex with people they knew, but their ideas had sex with strangers, and this form of trade led to *trust and prosperity* [emphasis added]." Our administration has been unwilling to engage in meaningful discussion (socially you can only tease so long before the other party walks away; collective bargaining does not have this option). They do not believe there are short-term or long-term benefits associated with the meaningful exchange of ideas in the collective bargaining arena, and there is certainly no desire to engage in trust. From their standpoint it appears better, more desirable and more profitable to "just say no". Abstinence education has proved to be unsuccessful among teenagers. Species who refuse to reproduce die out.

Over the past year, and even now, we have and still are witnessing the vanishing of our current administrators. This is not a time for faculty to rejoice (or lament if you so choose), but an opportunity for us to come together, to unify in support of a fair contract now. Most single people know in a social situation the benefit of a good "wingman" (*wingman*: noun, 1. a pilot whose aircraft is positioned behind and outside the leading aircraft in a formation; 2. a role that a person may take when a friend needs support with approaching potential sexual partners). Each and every one of you can be my wingman, the bargaining team's wingman, each other's wingman. We must support one another, and not just by saying you will, but by showing up and standing up for what is fair and what is right.

Over the next couple of months we will be able to share with the membership what may

Continued on 3

be the District's last and final offer in terms of the contract (UPM does not have it in writing at this time). It will be this or fact finding and an imposed contract. You will need to decide. UPM has received a grant from the California Federation of Teachers to be used to hire short term someone

(current faculty or not; job announcement coming soon) to assist all of us in understanding the details of any contract proposals and the consequences of any of our choices. Until then, stay in touch, stay informed, stay involved.



**Tick-tock, tick, tock, time on the clock.  
Amount paid to the attorney for the MCC**

**District in April:  
\$28,842.00**

**District Total since start of 2009:  
\$275,687.50**

(additional legal fees paid to the School and College Legal Services of California:  
**\$11,952.25**)

**... and still no contract**



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**2010-2011**

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Ira Lansing

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Theo Fung, Arthur Lutz, Michele Martinisi, Laurie Ordin, Robert Ovetz

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*31 Years Strong!*



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## CONNECTING THE DOTS

News and Opinion  
by Arthur Lutz

### SENZA CERA

**T**he *Oxford English Dictionary* defines the word ‘**sincere**’ as [characterized by the absence of pretense; honest; straightforward.] The word has an interesting etymology.

It is derived from the combining of two Italian words, *senza* and *cera*, meaning “without wax.”

During the Italian Renaissance, sculptors like Cellini and Michelangelo would send their work out to foundries to be cast in bronze. But some foundries were less skilful in the casting process than others and often produced bronzes that had pits and voids and holes in their surfaces. When this occurred, it was the practice of these foundries to fill the recesses with wax in order to hide the defects. If done skillfully, the wax was nearly undetectable, however if the statue was placed in the sun, the wax would soften and melt, leaving the flaws visible. So the more reputable foundries would guarantee the quality of their work by assuring their clients that their statues would be produced “*senza cera*” (without wax).

And so *senza cera* (*sans cere*, in French) came to mean; *without sham or pretense or trickery; truthful and honorable*. When translated into English the word became “*sincere*.”

I was thinking about this word recently because over the past several months our UPM bargaining team has received repeated assurances from District negotiators that they are “*sincere*” in

their desire to reach an equitable Contract Agreement with our faculty.

Yet in spite of these assurances, over three years have passed since our Contract has expired and there is still no resolution. And during this time, there have been dozens of fruitless meetings between our bargaining team and unprepared District negotiators; and there have been frequent District initiated delays and cancellations; and numerous frivolous and irrational demands by the District. And hundreds of thousands of dollars have been spent by the District for adversarial attorneys. And there have been refusals by Dr. White and the Board of Trustees to meet with our Union President directly to try to resolve disagreements.

And when you consider the recent installation of an interim CoM President who reportedly stated that faculty members should not be represented by labor unions, one surely has the right to question whether the District is truly being *sincere* in their expressed desire to reach an equitable Agreement – or whether, in fact, they really don’t want to reach any Agreement at all.

In spite of these doubts however, our bargaining team is continuing to engage with District negotiators in hopes that their assurances of sincerity will lead them to an equitable and honorable outcome.

But if it turns out that the District is not being candid about their real intentions, then one might want to check the *OED* for another word that might apply. I would suggest; “**hypocrisy**.” [Hypocrisy; the act of making statements or providing assurances that are inconsistent with one’s actions.]

## **Bargaining Update**

UPM and the District met Monday, June 14 as a follow-up to the meeting on the previous Friday. The District has finally (3 years later) presented verbally language that deals with what they say is everything with which they are willing to negotiate on wages, benefits and non-money issues. UPM has asked to have all of these proposals presented in writing so that there is no confusion over what is on the table.

UPM members should be aware that each of you will find something that is objectionable in the proposals offered by the District. The language on the table makes it clear that the current administration harbors an animosity towards faculty as a whole and they have made proposals that are many steps backwards in a collective bargaining agreement that has been in force for over 30 years. While UPM was successful in getting the District to drop many of its original atavistic proposals, what remains goes beyond the usual give and take of negotiations. The District's language specifically and clearly targets senior full-time faculty, junior full-time faculty, part-time faculty (of any age), including non-credit, and non-instructional faculty as well. Their attitude has been that we have been overpaid and underworked for too long, all without appropriate supervision and guidance, and their offers serve to correct these long-standing problems.

All of this discussion is taking place in "facilitated bargaining" under the direction of the State-appointed fact finder. Because of his more limited availability it may be as late as July 16 before UPM can have anything that

could be presented to the membership for consideration. When available, the full and complete language, along with a pro/con analysis, will be posted on the UPM web site at [www.UnitedProfessorsofMarin.org](http://www.UnitedProfessorsofMarin.org).

### **District Budget Reports**

In the meantime the Board of Trustees met Tuesday, June 22 and approved a tentative budget for fiscal 2010-11. Without throwing too many numbers at you, there are some outstanding figures, numbers that seem to contradict what we are being told, and certainly the world around us.

First, the projected REVENUE is \$7 million MORE than last year on a total budget of about \$63 million. These numbers do not include Measure C bond money. Most of the seven million seems to be in restricted categories, which seems contrary to the State's fiscal crisis.

Second, while the District has stated they are hiring no new full-time faculty next year, and there have been three or four retirements this year, full-time instructional salary expenses are projected to go UP over 6% and FT non-instructional salaries will be UP over 13%. These can't be step increases, since nearly three-fourths of the full-time faculty get NO step increases (they are at the maximum step 20) and a step is only a couple percentage points in most cases. And it is not STRS contributions. The District separately projects these to go DOWN 3.7%. Health care costs are also budgeted separately. So maybe it is just "rainy day" money?

Continued on 6

Perhaps this is to go along with the 7 full-time positions that are vacant but still funded, meaning when they are not hired the unspent money for their salaries just goes into the reserve, which by the way, is projected to be a **surplus of 10.5%**.

Third, part-time faculty salary expenditures are projected to go DOWN overall by nearly 4%. This can happen one or both of two ways: hire more full-time instructors (no; see above) or hire fewer part-timers. The latter would mean fewer classes. Is that really happening with our growing enrollment?

Finally, the budget projects an INCREASE in administrative salary expenses to the tune of over 13%. It is not clear how this is happening (raises, hiring?) but the staffing ratios are indicated as one administrator for every 5 full-time faculty. Now that is quite

cozy, wouldn't you say?

### **CFT Funds for Union Organizer Position**

Concurrently, UPM has just received limited funding from the California Federation of Teachers (CFT) to hire either a faculty member or outside person to organize and educate the faculty and the public with regards to the current and future labor situations. Each and every one of you must be clear on the issues, with the ability to have any of your questions or concerns addressed. When hired, this person will work with the current UPM members to create a well-defined, unified majority position. A job announcement with specifics will be sent to all members after the Executive Council has finalized the details at its June meeting.

--UPM Executive Council

### **United Professors of Marin UPM-PAC Payroll Deduction Form**

The UPM-PAC (Political Action Committee) provides financial support to candidates and measures that support or benefit education in Marin County and the College of Marin in particular. If you would like to support the UPM-PAC with a monthly contribution, small or large, please fill out the form below and send it to the Payroll Office.

To: Payroll, College of Marin  
Date: \_\_\_\_\_

I hereby authorize the Marin Community College to deduct from my earnings the sum of \_\_\_\_\_ beginning in the month of \_\_\_\_\_, \_\_\_\_\_ (year), and each month thereafter, and to remit this sum to the United Professors of Marin PAC #990958 until I revoke this authorization in writing.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip: \_\_\_\_\_

SSN: \_\_\_\_\_

**Update on Certificated Retirement Account Trust  
(CRA Trust)  
June 2010**

**TO:** CRA members (all full-time current and permanent retired UPM unit members)

**FROM:** CRA Trustees

**Background**

In 2007 it was apparent that the Certified Retirement Trust would sooner or later be in jeopardy. Trust members voted in 2007 to retain the Trust and, based on the results of contract negotiations by UPM with the district, to make the changes necessary to keep the Trust solvent. The Trust solvency is still an issue. Here are the relevant factors:

1. The Certificated Retirement Trust fund (CRA Trust) was established in 1987 to provide every qualified retiree a monthly check to “mitigate financial strain” for retirees, including that created by health care and insurance costs. This was negotiated by UPM when the district dropped health coverage for retired faculty.
2. The Trust is managed by the Standard Insurance Company of Oregon and is overseen by a Board of Trustees composed of five members. Two members are elected from eligible active and/or retired unit members. The UPM Executive Council appoints two members and the UPM President serves as a member. Members serve a two year term. The Trust is an independent operation and is not a formal part of the UPM.
3. UPM and the District negotiations seem to be near an end. UPM has informed the Trust that any agreement will not include any additional increase in the contribution rate by the District to the Trust. The District has pointed out in negotiations that the faculty had not increased its Trust contribution rate in any significant amount over the past 15 years, thus the District is less inclined to make any additional rate increases.
4. Historically the faculty contribution rate to the Trust has ranged from \$0 to \$6 per month. Unfortunately, current management has not kept its agreement to replace retiring faculty with full time hires, which has contributed to the funding issues of the Trust. A Trust projection in 2009 by the Standard Insurance Company, determined the contribution rate for faculty would need to increase to \$59 per month for the Trust to remain solvent. A faculty contribution rate of \$59 along with the \$54 per month from the District would maintain the solvency of the Trust at the benefit rate of \$174 per month.
5. The faculty contribution rate to the Trust has not kept pace with the increases in raises negotiated by UPM for faculty. Over the past five years the faculty salary schedule has increased by about 24% while the faculty contribution rate has remained at \$6 per month.
6. The District will have a change of management next fall with the appointment of a new president. Changes in future contract terms could be favorable for additional support for the Trust. The Trust will continue to request that UPM include a District increase in contribution rate in future contract negotiations. Any increase in District contribution rate could reduce the faculty contribution rate.

**Action**

The Trustees considered all of the above at its June 2010 meeting and voted to approve an increase in the faculty contribution rate from \$6 per month to \$59 per month effective 7/31/2010 to maintain the solvency of the Trust.

**Trustees:** Maula Allen, Sarah Brewster, Judy Coombes, Ed Essick (Chair), Ira Lansing

# UPM

**United Professors of Marin**

**American Federation of Teachers  
Local 1610  
Box 503  
Kentfield, CA 94914**

Non-Profit Org.  
U.S. Postage  
**Paid**  
Permit No. 462  
San Rafael, CA

## UPM Membership Application

I hereby apply for membership in the United Professors of Marin, AFT Local 1610

Date: \_\_\_\_\_ Email: \_\_\_\_\_

Name \_\_\_\_\_ SS #: \_\_\_\_\_

Address: \_\_\_\_\_ Department: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Campus Ext.: \_\_\_\_\_

**Check the appropriate category:**

I am a permanent credit or non-credit employee or leave replacement.

I am a temporary non-credit employee on the quarter system.

I am a temporary credit or non-credit employee on the semester system.

Return to UPM Kentfield campus mailbox or UPM Office, Science Center 136