



## NEWS

# As questions are raised over outside software contract, YCCD, faculty remain at odds

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In more than two years of negotiations, the Yosemite Community College District and faculty members have not agreed on terms of a new labor contract.

The Yosemite Faculty Association, representing professors and instructors at Modesto Junior College and Columbia College near Sonora, filed for impasse March 30 and has gone public with allegations of wasteful spending by the district.

According to the union, the outcome of negotiations could result in larger class sizes and fewer course offerings for students hoping to complete their academic programs.

The 700-member YFA also has raised questions about large salaries paid to administrators, and claimed the district wasted money on a software services contract that cost taxpayers \$820,000.

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The 2015 deal with the Robert Ferrilli Company, a higher education technology consulting firm based in New Jersey, is most likely of interest to residents within the boundaries of YCCD, whether they care about fair pay for professors or not.

No bids were sought before Ferrilli was hired to provide various software services for YCCD. Former Chancellor Joan Smith endorsed the software company in a video that was posted on Ferrilli's website. The video endorsement was shot apparently without the knowledge of district leaders, who say it's in violation of district policy.

As of Friday, the endorsement remained on the website.

The union's filing with the Public Employees Relations Board is a first step toward fact-finding and mediation on the labor contract. The mediation process is nonbinding and faculty members have the ability to strike if they're not satisfied with the results.

The professors and instructors have continued to work in labs and lecture halls at MJC and Columbia almost two years after the previous contract expired in June 2016.

The union says students could be impacted by a district proposal connecting pay raises with larger class sizes, which could run up to 45 students in some classes.

The YCCD and faculty have not agreed on a plan for raising salaries to the median pay of 10 community colleges, despite a 2007 agreement that established the salary survey. The teachers say their salaries have slipped 15 percent below the median since 2015 and fallen to the bottom of the 10-college comparison.

The schools include Delta College of Stockton, Chabot, Las Positas, Contra Costa and San Jose Evergreen in the Bay Area, Kern, Long Beach, and West Valley in Coalinga.

"The former chancellor was making more than the governor of California," YFA President Jim Sahlman said. "Not only do we believe we are owed compensation that we earned and need to maintain reasonable class sizes, at the same time, we think the district has been ineffective in how it managed money."

Officials with the YCCD are not saying much about the contract talks. The district would not discuss the issue regarding larger class sizes.

"We are involved with good-faith bargaining processes," spokeswoman Coni Chavez said. "We can't really comment on specifics of the negotiations."

In the year before she retired, former chancellor Smith received \$287,000 in regular pay and a total compensation package of \$339,000. Chancellor Henry Yong's annual salary was set at \$265,000 when he took over in July.

The negotiations have shed light on two computer software contracts with companies that specialize in software services for higher education. District officials said one contract, which paid \$2.7 million to Virginia-based Ellucian over a four-year period, included annual licensing agreements and essential maintenance that's performed on the district's computer systems.

The district confirmed, however, that no bids were sought before Smith hired New Jersey-based Ferrilli to manage conversion of an Oracle database to another system supported by Ellucian. Ferrilli also assisted with moving the district's business offices on Blue Gum Avenue to a new

building.

In California, community college districts are required by law to seek bids for services costing more than \$50,000. Purchase orders show Ferrilli was paid \$770,000 above that threshold between November 2015 and February.

Smith gave the title of "interim assistant vice chancellor of information technology" to Dan Duffy, a Seattle software consultant who worked for Ferrilli. The district spent \$35,000 a month on Ferrilli's services, as well as \$5,000 on travel expenses, as technical people were flown in from Washington state and Michigan.

Sahlman, and at least two YCCD trustees, suggest the district would have spent less and avoided travel expenses by hiring one of the numerous tech firms in the Bay Area.

Trustee Anne DeMartini has been critical of the contract with Ferrilli. "She hired Ferrilli without the board knowing it," DeMartini said last week. "They were paying this guy to travel back and forth from Seattle. There is no one in the Silicon Valley we could hire?"

The Modesto Bee's efforts to reach Smith were not successful. A company employee said Chief Executive Officer Robert Ferrilli was on vacation outside the country and that no other person with the firm could comment.

Susan Yeager, vice chancellor of fiscal services for YCCD, said last week that Ferrilli was hired under a statutory exemption to competitive bidding that's allowed for specialized services. According to a guide for community colleges, one criteria is that the contractor has outstanding and specialized skills that can't be duplicated.

Yeager explained the database conversion was in progress and there was a sudden vacancy in the district's top information technology position.

"The team was left without direction on how to move forward and the conversion needed to happen," Yeager said. The database is used for financial reports, student financial aid records, human resources and other operations.

Yeager said she didn't know why Ferrilli was chosen for the work, as opposed to another firm. Those who made the decision are no longer with YCCD, she said.

Sahlman suggested an emergency action from the YYCD board was needed to waive competitive bidding for the software contract. DeMartini said that never came before the board, but when the board asked about details of the contract, legal counsel said it was done within the law.

A Ferrilli contract with the Peralta Community College District in the Bay Area came under public scrutiny in 2016. According to a Bay Area News Group story, Peralta also bypassed competitive bidding in hiring Ferrilli to run its IT department.

The East Bay district reportedly paid \$925,000 to Ferrilli and covered the firm's travel expenses. State laws that require bidding ensure that public agencies hire qualified contractors at competitive prices.

Alongside the testimonial from Smith, Ferrilli's website boasts an endorsement from Peralta Chancellor Jowel Laguerre. The video featuring Smith's endorsement was shot at the YCCD office.

A YCCD policy, No. 1100, prohibits anyone, without the board's approval, from using the district's name or facilities to suggest an organization, product or service is endorsed by the district. The policy is based on a section of the state Education Code.

YCCD Trustee Leslie Beggs, who was elected in 2016, said that Smith's endorsement was not appropriate, and she disagreed with paying travel expenses for Ferrilli. "As far as fiscal integrity goes, we should put (contracts) like that out to bid," she said.

The union and the community college district will now move to the mediation process, while YCCD is also preoccupied with hiring new presidents for MJC and Columbia College.

Faculty members want the district to honor the 2007 agreement that was supposed to base their compensation on the 10-college comparison. According to Transparent California, plenty of veteran professors in YCCD earn six-figure annual salaries, but the union also represents part-time instructors who are paid hourly rates.

Sahlman said tenured professors have to teach extra classes to raise their income to those levels, and, if they didn't, students trying to earn degrees on time would have fewer course offerings. He also noted that teaching salaries grow at a much slower pace compared with raises granted for administrators.

In addition to seeking competitive salary levels, the union has sought wage increases, partial benefits and better job protection for part-time instructors. The most recent offer to faculty from YCCD was a 2 percent raise and an additional 4 percent in July.

"It may sound good but it does not get us anywhere close to where we are supposed to be based on a decade-old agreement," Sahlman said.



Former Yosemite Community College District Chancellor Joan Smith **Joan Smith** - Courtesy of Joan Smith

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