

The More You Know — October 5, 2018

“Jerry, just remember. It’s not a lie, if you believe it.” ~George Costanza, *Seinfeld* (Season 6, Episode 15)

https://www.youtube.com/watch?v=vn_PSJsl0LQ

Dear Colleagues,

The District administration appears to be taking its ethical advice from the *Seinfeld* character, George Costanza. That would certainly explain their repeated messages on the District website, responses to the media when questioned by reporters about faculty negotiations in two recent *Union Democrat* articles, and in emails sent to students, CSEA, and LTAC employees.

As you know, the District is trying to give the appearance that everything will be “business as usual” for students at both colleges in the event of a faculty strike. But just because they say it, doesn’t make it so.

Today’s edition of *The More You Know* is a reminder to all of us (as well as to the District, since I specifically told Chancellor Yong this information at our meeting this past week), that the District needs to stop selling the false-narrative to our students that classes can be easily covered in the event of a faculty strike. They can’t. It is both logistically and mathematically impossible.

- **The California Education Code, § 53402**, directly orders that any “*Faculty*” or “*faculty member*” means those employees of a district who are employed in academic positions that are **not designated as supervisory or management** for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, 5 disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications. **(emphasis added)**
- **The California Education Code, § 87536**, directly orders that “The board of governors shall adopt regulations to establish and maintain the minimum qualifications for service as a **faculty member teaching credit instruction, a faculty member teaching noncredit instruction**, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor and a supervisor of health. **(emphasis added)**

Part-time/adjunct instructors are part of the YFA representative unit.

- **ARTICLE 2: RECOGNITION (in the YFA-YCCD Contract)**
 - 2.1 The District confirms its recognition of the Association on May 11, 1976, as the exclusive representative for a unit of faculty comprised of the following faculty positions: Professor, **Instructor (emphasis added)**, Instructor/Coordinator, Counselor, Counselor/Coordinator, Counselor/Coordinator/Specialist, Librarian.

Management is not part of the YFA representative unit.

- 2.2 This unit shall exclude all other employees of the District. The exclusions are substitutes, consultants, temporary employees hired for less than a semester's duration except for unit members hired on a temporary basis for summer sessions, **and those positions identified by the Board of Trustees as Management or Confidential. (emphasis added)**

The YFA and YCCD have a binding agreement regarding part-time/adjunct faculty hires.

- **ARTICLE 7.1 (HIRING PROCEDURES—ADJUNCT FACULTY)**
 - a. The instructional units/subject areas will determine what additional positions are needed for the adjunct faculty in the next academic term. Search procedures **shall include wide-spread local announcements. (emphasis added)**
 - b. The selection committees **shall consist of at least two full-time faculty members** selected by the division/subject areas, and an appropriate administrator. The selection committee shall review all applications and shall select those applicants for an interview who best meet the desired qualifications, including educational preparation, study, and work experience. **The selection committee will recommend a pool of candidates** to the appropriate administrator. **Hiring of adjunct faculty will be done from the pool. (emphasis added)**

You can view the *Minimum Qualifications Handbook* to teach in California Community Colleges and our District equivalency procedures (that must have Senate approval before anyone can be hired) on the YFA's website located on the IMPASSE page at:

<http://yfa.sites.yosemite.edu/impasse.html>

What can I do right now?

1. **Stay informed. Please, stay informed.** I know email gets overwhelming and there is A LOT of information that gets sent, but it does no good to send things out only to have it go unread.

2. **Stay engaged.** That means talking to one another and reinforcing with one another what is actually happening versus any myths floating out there. Be careful to avoid letting rumors that have no bearing get spread. Help YFA keep “message fidelity” (or clarity) so that everyone is relying on the same script. If you have colleagues (**whether full or part-time**) who are unaware of what is going on or have an inaccurate picture of what is going on, please direct them to specific emails and other communications to correct their misunderstandings.

3. **Stay united.** Yes, I know, this just looks like I’m just repeating the slogan I put at the bottom of my emails. But it is more than that. We must stay united. That means we continue to focus on how the District’s last, best, and final offer (LBFO) **affects all full and part-time faculty** in terms of **EVERYONE’S** compensation, and in terms of **EVERYONE’S** class sizes, and in terms of **EVERYONE** who teaches lab courses. **And help YFA out**—If you are still in contact with retirees (or anyone you know who might meet minimum qualifications), then explain to them what is going on and ask them **NOT** to cross a picket line to teach any classes. In fact, they are welcome to join us on the picket line as we advocate for support of quality education.

There is more information coming, with two faculty FAQs to be sent out as soon as they are completed—one, specifically for part-time faculty and the other specifically for tenured/tenure-track faculty.

In the meantime. . .

Stay informed. Stay engaged. Stay united.

Jim Sahlman