

THE MORE YOU KNOW—October 27, 2018

Dear Colleagues,

Attached is a weekend edition of *The More You Know*. As you can imagine, YFA has been very busy lately with strike preparation (which is coming together very well) and other common YFA business---outside of our negotiations' issue---which, by itself, keeps the YFA office considerably active all the time anyway.

<http://yfa.sites.yosemite.edu/impasse/update-on-fact-finding-report.pdf>

You are already aware that the fact-finding report deadline has been extended (see the above link to the impasse page on the YFA website), but we also have a "hard date" of November 1st when we know the report must be received, with the required publication of this report to be made public on November 11th.

*"If the dispute is not settled within 30 days after the appointment of the factfinding panel, or, upon agreement by both parties within a longer period, the panel shall make findings of fact and recommend terms of settlement, which shall be advisory only. The factfinders shall submit, in writing, any findings of fact and recommend terms of settlement to the parties before they are made available to the public. The public agency **shall make these findings and recommendations publicly available within 10 days after their receipt.**" (emphasis added, California Government Code 3505.5(a), Title 1, Division 4, Chapter 10, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=3505.5.)*

YCCD Special Board Meeting---Scheduled and then Canceled

As you noticed in last Wednesday's email, the YCCD Chancellor's Office sent notification about a Special Board Meeting which was scheduled to start at 10:00am the next day on October 25th. That email was sent at 9:58am on October 24th. (NOTE: The Brown Act allows for 24-hour notice, rather than the usual 72-hour notice, in specific instances). At 1:13pm on Wednesday afternoon, however, the YCCD Chancellor's Office notified everyone that the meeting was canceled.

So, what happened in three hours which caused this change?

I was at District Council on Wednesday and had seen both emails earlier in the day. When District Council was over, Chancellor Yong informed me that the Board meeting had been canceled and I replied that I had seen both emails. He said that the meeting was scheduled in the event that the fact-finding report was received early (before the November 1st deadline), but that it had obviously not arrived.

I think this was an odd decision. If the Board can schedule certain meetings with only 24-hour's notice anyway, then it seems to me that the District should have just waited until the report arrived rather than schedule---and then cancel---the meeting within three hours. That just reinforces to me that the District has no idea what it is doing. If it arrives earlier than the November 1st deadline, then just schedule the Board meeting with the allowable 24-hour notice. But scheduling a meeting and then canceling it three hours later---especially when there were two other items on the agenda that seemed important enough for the Trustees to discuss---made no sense.

District Council Highlights

If you read the District Council highlights that were sent yesterday, you saw the following statement at the bottom: *"In closing, Chancellor Yong stated that the district is working very hard to reach an agreement with the YFA and it is our hope that there won't be a strike."* This is almost a direct quote from Chancellor Yong at District Council. I can confirm that he did, indeed, say this.

However, please forgive me as I was, apparently, absent the day that the District was "working very hard to reach an agreement with the YFA." So far, I have yet to see that "hard work."

My bad. 😞

Strike Do's and Don'ts

I will repeat, one more time, that YFA will continue to seek an agreement with the District to avoid a strike. However, in the last three years, the District has wasted our time, flat-out lied to us, and most recently threatened us. That is not negotiating in good-faith. So, we must continue preparing to strike if the District furthers unethical behavior regarding our contract.

Today's edition of TMYK gives us some basic "Do's" and "Don'ts" as we continue to prepare for the strike. **The main thing to keep in mind is:** If you are not sure, don't guess or act WITHOUT FIRST checking with YFA. We are **NOT** on strike--**yet**. So, do **NOT** tell your students you are currently on strike. You aren't. And that means you can only **PREPARE** for a strike, but you **CANNOT ACT** on the strike **UNTIL** the Union actually starts striking. So, keep doing your job as usual for right now.

Additionally, everyone is concerned about our students. Everyone. All of us have already thought about how a strike affects our current students and we certainly prefer to avoid negatively impacting them in any way. However, the purpose of the strike is that it is our last resort to get a fair contract since the District has negotiated in bad-faith up to this point. When you participate in a strike, you participate FULLY in a strike. That means no teaching or any other activities that involve our students, including directing programs, coaching athletes, or advising student clubs. It also means we don't "teach on the side" by providing reading materials, assignments, etc. You CANNOT do that. And you risk being disciplined by the District if you do. That would be a "partial strike," which is illegal. **So if you, or your colleagues, are trying to figure-out a way to strike but circumvent the strike at the same time---STOP.**

YFA does not need any distractions to this strike by potentially having to defend faculty who may be engaging in "partial strike" activities.

Remember two words---Check first.

All my best,

Jim Sahlman