

Consolidated Q&A from CFCE membership Zoom meetings (as of June 30, 2020)

Summary: Please keep in mind that the negotiations continually evolve and there is no agreement until there is an agreement (approved by Board of Trustees). As a result, some of this information will be out-of-date, although we will try to keep this document updated to reflect the most recent developments.

After providing a list of proposed actions that would reduce compensation costs of the budget, the District is proposing a step-and-column freeze. Although this would mean that the burden of the reducing the District budget expense would be carried by only the 60% of classified employees who are scheduled for a step-and-column increase, it does mean that no one would actually see less money in their paycheck. CFCE is negotiating “triggers” that would restore step-and-column in the event the budget turns out to be healthier than the current projection.

Questions and answers are organized by subject matter. If you have a question that is not answered, please let us know.

1. On the subject of working remotely, returning to campus, students on campus:

How much longer will we be working remotely?

The District has indicated that most employees will continue to work remotely through August, but no one really knows since it is up to the state to say when college campuses can re-open.

I'm being told July is the possible return to work timeline.

It's possible some people will be asked to return before August, and some people will continue working remotely even after August. Returning to campus will largely depend on what the COVID numbers are. If there is a second wave, if people are not following guidelines, if hospitals are overwhelmed, then we will probably not come back in August. The District is just not able to make a commitment at this point.

Although it's nice that most people can work from home, is there any hazard pay or emergency type percentage that we can claim for having to actually be onsite?

We all should be receiving hazard pay for coming back to the campus without a vaccine or cure available for COVID-19. But unless congress gives the State or the District funding specifically for us as hazard pay, the District will simply consider that an “unfunded” proposal adding additional expense to the budget.

Are they considering hiring Haz-Mat experts to sanitize regularly or advise those who will suddenly have to?

We haven't seen a plan for returning to campus yet, and we do expect we will be negotiating the terms for returning. I understand the District has hired a firm that specializes in the field and is used by other school districts. We'll see what they come up with.

Has the District and the CFCE agreed to extend the Remote Work Plans, and if so, are there any changes to it?

We do not yet have an agreement on extending Remote Work Plans, but we expect we will shortly. In all likelihood, the suspension of evaluations will be removed so employees will be able to get evaluations by their managers.

2. On the subject of the District Budget and potential impact to employee compensation:

What is happening currently with the budget?

The state budget was signed by the governor on June 29. The budget has no cuts to education, so as of right now, and this will likely change in the fall, but as of right now, the State is not cutting the District's budget. The state budget is conditioned on receiving financial assistance and that the taxes collected on July 15 will not be significantly below expectations. If both of these conditions are still true in the fall, the District's budget challenges will remain much like it was last year; declining enrollments and "deficit" spending. That being said, the District wants to take steps now to prepare for possible cuts to the budget coming the state in the fall.

When will the board vote on compensation actions?

Any compensation actions need to be negotiated with the bargaining units, which is only just beginning. Once there is agreement, the agreement will go to the Board of Trustees. The District would like to have everything settled by July 1 or soon after.

Is what the district suggested cut temporary?

The District is looking two years out. If the state does not restore budgets next fiscal year, then the compensation actions would remain in effect. We are negotiating for "triggers" that would rescind a step-and-column freeze, if that is what we ultimately agree to, and any other potential cuts if the budget improves, or the worst fears are not realized.

Is there any additional information about district financial goals?

The District is looking to cut \$16 million, which equates to 8%. Since 91.6% of expenses are personnel related, they feel the majority of the cuts must come from personnel costs. They are saying that travel and other administrative costs will also be cut, but there isn't much there.

Most recently, the District has proposed step-and-column freeze for management and classified employees. This freeze would impact 60% of classified employees. While it is unfair that only 60% of the classified are bearing the burden of a compensation action, it seems less damaging than taking money away from all classified employees.

Are the proposed compensation actions the same across the board for managers and faculty also?

The District says they are asking all employee groups to bear a portion of the burden. The chancellor is reportedly taking a 7% cut as is the Board of Trustees. Managers are being told they are getting a freeze of step-and-column.

The faculty situation is very different than ours. They have protections written in the ED Code and the retirements brought down the number of full-time faculty employees to the "faculty obligation number" (FON), which is the minimum number of faculty that the District can employ. The District

cannot seriously threaten full-time faculty with layoffs if they don't agree to take other cuts. So the faculty is waiting for the dust to settle before committing to any compensation actions.

If an employee believes they contracted COVID-19 on the job, should they file a worker's compensation claim?

They could certainly file a claim. I don't know how far it would go. It would likely depend on if such claims are being filed and honored by healthcare workers and what the precedent is. Right now, I would say that such a claim would not get very far, but a month from now, it could be perfectly acceptable. COVID has created far too much uncertainty to predict how something like that would be treated.

Would there be layoffs if an agreement is not made?

The Ed code says that the District can lay off employees for a lack of work or a lack of funds. The District is committed to fiscal health. CFCE is committed to keeping all of us employed and that any cuts that are needed are applied fairly to all employee groups, from the chancellor on down. The District has said that if the classified do not agree to a step-and-column freeze, then there will be layoffs. Our position is that we do not want to agree to a step-and-column freeze now and then also have layoffs later. We think we are close to an agreement on the specific language.

If we do have furlough days, would we be eligible for unemployment for that loss of pay?

Not likely, but maybe. Unemployment claim rules changed since COVID, so that's something we'll need to explore.

What about the rainy day fund?

We are looking at what the District's actual reserves are and what are appropriate triggers for accessing reserves. However, the District's position is that reserves are insufficient and compensation actions are needed. We want to verify that.

How can we ensure that these cuts are equitable to Faculty?.

CFCE and CFE, the faculty union, are all part of CFT. We are all brothers and sisters in the house of labor. I have a very good relationship with the president of CFE and neither bargaining unit will be advantage at the cost to the other.

Are the CARES Act funds being taken into consideration when discussing possible negative impacts to faculty and staff? I've heard that the District doesn't yet have a spending plan...

The CARES Act is factored in although we have not seen a specific spending plan. The CARES Act has a lot of restrictions on the way the money can be spent. Also, keep in mind that the HEROES Act is in front of the U.S. Senate, which could possibly eliminate the need for state budget cuts. Nobody really knows what the state budget will look like when it is finalized. And we don't know that it won't be revised several months after it is adopted. The District is trying to prepare for a worst-case scenario, I believe.

Would it be better to have more furlough days than to take away longevity?

Furlough days are painful, and the more furlough days we have to take, the more pain we are going to feel. The loss of longevity pay is also painful. It's all painful, and depending on an individual's personal situation, one type of pain may be better than another. Ideally, we will have triggers for restorations based on what the state budget looks like when it is finalized. On the one hand, longevity might be easier to restore than a furlough day. We have to look at all possible scenarios to try to find the best path forward.

Does a step-and-column freeze also freeze a longevity increase?

It does not.

Everything on the list from the email were "freezes". The longevity was a take away, looks like it will not come back, ever.

Your union works every day to protect all the progress classified employees have made over the years. We will not be giving up anything permanently. Currently, we are including "triggers" that would restore step-and-column if the budget outlook improves.

Does district have to pay PERS for your furlough days?

Furlough days will not impact any benefit contributions including health benefits and PERS contributions. However, the focus now is on a step-and-column freeze.

Will be able to vote on the CFCE proposal on how we will address/meet budget issues?

We will be gathering input, consulting with CFT, looking at what other bargaining groups are doing, and other community college districts have done. Prior to signing any agreements to cut, I believe CFCE members should have a vote. So, we expect to go through a ratification process like we did with the SRP.

They just agreed to faculty getting higher lab factor and large lecture factor....now they will take 3% from CFT? That doesn't seem to translate as equal to what they are proposing for CFCE?

That was negotiated with CFE prior to COVID. We are working to make sure that all employee groups share the burden of the budget challenges equitably.

The last time we were asked to take furlough days other groups initially agreed to it, however after we signed the MOU the faculty "changed their mind" and were not required to take them.

I cannot speak to the details of the last time we had furlough days, however, I understand that faculty did get a 3% pay cut while classified was taking furlough days. There were "triggers" built in and neither classified or faculty ended up having to take all the compensation cuts that were originally agreed to because the state funding ended up being better than anticipated. Regardless of the history, we are very concerned that the burden of cuts be carried by all employee groups equitably.

Is the District borrowing monies?

I am informed that the District has to do short-term borrowing to meet payroll. Apparently, it is a fairly common practice when the state has money problems and they stop making disbursements. Eventually, the state catches up with its obligations and the District receives the funds it has been promised. It's a cash flow issue and not a budget issue.

It doesn't make sense for the children center teachers to have to take furlough days, because management will have to cover us with hourly teachers.

We will be discussing situations like that with the District. We do not want to see the District using substitutes, professional experts, or any other non-classified personnel to do classified work.

We've been out of contract for a year now, where are we on negotiations a new contract? Are we going two years out of contract?

The term of our last CBA ended last June 30, so we have been negotiating a successor agreement. As per all our agreements, the terms of the last agreement remain in force until a successor agreement is ratified. The SRP, COVID, and now budget cut talks have not left much time for talks on the successor agreement, but we hope to get it done by end of summer.

District is trying to save money and planning to give furlough and pay cut to classified and they are hiring outside contractor to help managers to manage their department or help them. why? Golden West College have two VP model for long time and why we need third VP now in this difficult time?

The decision to create and fill positions by the District is outside the scope of negotiations. It does seem to run contrary to their fiscal goals.

Would there be layoffs if an agreement is not made in time?

The District has the right, by ED Code, to conduct layoffs for lack of work or lack of funds. Currently, we do not believe the District is planning on doing layoffs. We are working to try and prevent layoffs. No deadlines have been established.

Can we use vacation days to substitute for furlough days?

No. The District is trying to save money. If we are given furlough days, they will be unpaid.

Are they looking at cutting costs anywhere else other than salaries? possibly professional dev...

The District says they are looking at everything possible to save \$16 million. Professional Development is in our CBA, and they have not talked about trying to cut that, but that doesn't mean they won't at some point.

If classified employees get laid off, will faculty and managers get laid off, too?

We're hopeful no one will need to be laid off. Full-time faculty have more protection by law than classified so they are the most secure from layoffs. The District has not shared any plans for layoffs of any employee groups.

If furloughs are agreed to by CFCE, will we get back full of salary lost during this period once the budget is restored?

That is an item for negotiation. It is our desire to have step-and-column restored.

Will they offer another chance to retire to reduce staff?

We are told that the District is putting together a proposal for another SRP. We expect it will be aimed at employees in the age range of 50-55 and will include a health benefit option, but with a reduced annuity. However, we won't know any real details until we see the actual proposal.

What have you heard about staff having to pay for parking?

Nothing at all.

I'd like to know - out of the positions that are empty because of the recent retirement exodus, which positions are being filled by new hires. Or if people are being moved into those positions, are other positions being filled by new hires? Not counting faculty - just management and classified.

The District has not yet shared its strategy for backfilling classified positions. Based on their extremely small cost savings estimates from the SRP, we believe the District was looking at replacing half of the vacated positions with new hires. COVID has them taking a second look at that estimate.

Is the college increasing tuition?

If they are, they have not shared that information with CFCE.

Why are faculty still being hired knowing we have this budget deficit?

Not sure, but my best guess is that if degrees and certifications require a specific class and the person teaching that class is retiring, they still need to offer the class.

With less employees and less enrollment, could the district make some \$ selling off some buildings (off campus bldgs.) or is it profitable to rent bldgs.? For example, house district people in the 3 colleges? Would this provide much profit?

My understanding is that buildings are built with either state funds or bonds, which means there are restrictions on selling or re-purposing buildings.

Do you know if the CCCD is worse off than surrounding other community college districts in OC?

I do not know, but we will be looking at that. The problem is our District is supported by state funding while others, like Saddleback, is Basic Aid supported by local property taxes. I don't believe they are hit as hard as state funded districts. But we're looking at that. We do know of some districts that are in real trouble and might not survive this crisis.

Is re-org still ongoing?

Yes, but we have not seen much in the way of details about it.

I heard the state is not cutting categorical funding. Is that true?

Everything that was in the state budget before COVID appears to remain in the state budget, including categorical funding. That's the good news. Unfortunately, we know that the state budget is dependent on receiving federal assistance and on stable tax rolls. If those assumptions do not pan out, we are likely to see categorical funding take a significant hit. At least, that is what we are being told.

Would layoffs be based on our Contract by seniority?

Yes, but it isn't straightforward. Seniority, bumping rights, Tucker Rights, specialized skill requirements all factor in. We don't believe the District wants to layoff classified if it can be avoided. We're optimistic about not seeing layoffs in our district.

Is the Union entertaining the freeze on salary step increases?

The step-and-column freeze seems the least financially damaging option at this point for classified as it does not result in a reduced paycheck for anyone. So, yes, we are thinking that may be the best path forward. However, our position on any proposal coming from the District will be based on your input, your support, your engagement, your passion around the issue, and your willingness to come out and support your union. Our success in negotiations is directly proportional to your support of your union.

3. On the subject of the Reclass process:

A tentative agreement has been reached on a new Reclassification process. Once signed and approved by the Board of Trustees you will be able to find a copy of the agreement on the District web site. The new Reclass process decreases the amount of time it takes to go through the Reclass process. It also allows for a "fast-track" if your manager supports your reclass request.

When does the Reclass process start?

The submission of applications begins the first working day of August and closes the last week of September.

Since the reclass process was put on hold for the past year, will we get retroactive pay?

When CFCE agreed to suspend the Reclass process for the 2019-2020 fiscal year, it was with the condition that anyone being successful in getting reclass will receive one-year of retroactive pay for the difference in pay.

4. On the subject of the contract status:

Why do we not have a new contract?

Our Collective Bargaining Agreement (CBA) opened up last July 1. This means that we are in an open contract period wherein we can negotiate improvements in the CBA and update language. The provisions of the CBA remain in effect until both we and the Board of Trustees ratify a new CBA. Progress towards the "successor agreement" that would replace the current CBA has been slowed as the District has been focus on a number of urgent issues around budget challenges, and most recently, the pandemic. Although these challenges remain, CFCE is working to provide more focus on getting a successor agreement in place.

Thank you for your questions. We will share more information with everyone as it becomes available. In the meantime, remember we are all in this together. Be kind to each other and stay strong.

