

Part-Time Faculty Association of Allan Hancock College

PARITY & FAIRNESS THROUGH ADVOCACY



President's Letter

April 2016

By Mark James Miller, PFA President

Friedrichs' Case: SCOTUS splits 4-4, Major Victory for Organized Labor

You have no doubt heard of *Friedrichs v. CTA*, one of the biggest legal challenges to organized labor in decades. A group of California K-12 teachers, recruited, it should be noted, by anti-union and anti-public education Silicon Valley millionaires, challenged their unions' right to collect dues from them, aka the service fee or agency fee, claiming that having to pay this fee violated their free speech rights because the union supported causes or candidates they did not agree with.

There is a common misconception, promulgated by anti-union groups, that everyone in the public sector *has* to join a union, whether they want to or not, and then they must sit by helplessly while their union dues are spent on candidates or political causes they do not want to support.

Both these assertions are false. No one has to actually join the union, such as the PFA. But because we in the union are required by law to represent *everyone* in our bargaining unit, a 1977 decision by a federal appeals court (*Abood v. Detroit Board of Education*) recognized the fairness of the agency fee, since members of a union and non-members alike benefit from the work the union does on their behalf.

Nor are non-members forced to have their dues money used for political purposes, (as anti-union forces assert). In 1986, in the *Chicago Teachers Union vs. Hudson* case, the Supreme Court ruled that an agency fee payer can request to have that portion of the service fee that is used for political purposes rebated to them every month. The law further requires that every year each non-member receive a letter informing them of this right, and of the percentage they are eligible to have rebated back to them (presently 6% here).

While this would seem to most people a fair and common sense practice, it was not good enough for the powerful forces that want to see unions destroyed. In *Friedrichs*, the suit was "fast tracked" through the court system by the plaintiffs

Part-Time Faculty Association
of Allan Hancock College
Local 6185
California Federation of Teachers
American Federation of Teachers
AFL-CIO

The PFA's goal is to achieve parity with the full-time faculty by improving pay, benefits, and working conditions of its bargaining unit members.

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admitting defeat at each level of the process, then by appealing to the next level, until they finally reached the Supreme Court last fall. The court agreed to hear the case, and with five conservative, anti-union justices expected to vote in favor of the plaintiffs, public sector unions were preparing for the worst. But the death of Antonin Scalia on February 13 changed the court's balance, and the 4-4 split vote announced May 29 means the 1977 ruling that found in favor of agency fee remains in place.

What Happens Next?

With Friedrichs dead, public sector unions can breathe a momentary sign of relief. But while Friedrichs may be gone, it is certainly not forgotten, and the anti-union movement is not going away. While once it was possible to speak of "Big Business" and "Big Labor" as being almost equal in terms of influence in the political sphere, those days disappeared in the Reagan Era. Nowadays the struggle between Management and Labor is more David and Goliath than Ali-Frazier, with corporations outspending unions 15-1 on elections nationally. While unions, at their peak in the 1950s, represented 35% of the workforce, now that number is around 12%. The strongest and most influential unions left are those in the public sector, which Friedrichs sought to destroy. It would be wise to remember that the anti-union movement, well-financed by wealthy donors, intends to destroy all union influence and turn the entire country into what is euphemistically (and misleadingly) called "a right to work state."

More From the Convention

Due to time constraints I was not able to get in all of the comments from the other attendees, namely Jeff Stein and Dave Yundt. So here they are now:

Jeff Stein: "As a part time faculty member at Allen Hancock College. I was able to attend the CFT convention and feel that my attendance as a union board member was enlightening and valuable. I feel inspired to help our members organize for the challenges ahead of us.

As a convention delegate I attended the general sessions where current issues and resolutions were discussed and voted on. I also attended the Community College Council meeting and the part time Community College Council meetings.

The work-shops I attended included; "Putting our money where our priorities are," focusing on five strategic areas; Governance, Membership, Politics and Legislative, Quality Education. "The California Budget" How it works; and over view of the state budget and how education is funded. "Effective Union Communications; from bargaining to taxes.

My feelings about our union and our mission as union member was given new energy by my attendance at the convention."

Dave Yundt: "The conference was inspiring; to see 500+ delegates working together to improve working conditions for education workers. There is an action item to work on changing the name of California Federation of Teachers to be more inclusive as we represent nurses, librarians, counselors, classified staff and teachers. I felt the conference theme was inclusiveness and equal justice for workers.

"I got to hear some great speeches. One speech was given by Tim Wise on racial equality, a historical perspective and how unions improve racial equality. You'll want to check one of his books; he's published several. I heard from a Texas AFT rep on challenges of a right to work state. There was a presentation and discussion of legislative actions that are trying to reduce

worker collective bargaining. Good season to be an informed voter. Jeremy Brecher spoke on labor history and how labor unions can affect climate change. (Check out labor4sustainability.org). I was able to attend 3 educating workshops. One was education workers retirement plans, comparisons of 401K, CalPERS and STRS. The briefing charts are excellent and are available in your faculty association office. If you like, I can email those to you. Another workshop covered accessibility of all students to new classroom technology and the state/federal laws driving full access. A required consideration when adopting or buying new technology for classroom use.

"The conference also provided excellent team building with fellow board members as we picked up and discussed ideas to take back to improve conditions for Allan Hancock College education workers."

Laughter In The Classroom: Do We Need More?

What occurs once in a minute, twice in a moment, and never in 1,000 years?

The answer to this riddle is the letter "m." Here is another:

What is it that the people who use it don't want it, the people who buy it don't use it, and the people who use it don't know it?

The answer: A coffin.

More than twenty years of teaching in higher education has taught me that humor is an excellent teaching tool and a great way to reduce stress in the classroom.

Classrooms need not be grim and humorless places. In my experience, students are more receptive to the learning process and have more productive interactions with each other and their instructor if they are relaxed.

Of course common sense has to prevail and rules have to be in place. Students who are too relaxed tend to be less alert and not pay attention in class.

Still, whenever it seems relevant, I work as much humor into a class meeting as seems appropriate. This can take the form of riddles: "What word becomes shorter when you add two letters to it?" (Shorter). Jokes work well too: "What is the state motto for Michigan? It's the first line of defense against the Canadians."

Believe it or not, the "show about nothing," *Seinfeld*, provides opportunities not only for humor but also for some serious critical thinking. For example, the episode called "The Yada-Yada" focuses on political correctness, opening the way for a discussion on that subject. Another episode, "The Cheever Letters," contains references to the writing of John Cheever, and leads to a discussion about him and his work.

"The tradition of Festivus begins with the airing of grievances," says Frank Costanza in a famous *Seinfeld* episode, "The Strike." "I got a lot of problems with you people! And now you're gonna hear about it!" This episode introduced the world to the holiday "Festivus For The Rest of Us," an alternative to ordinary holidays which many people actually celebrate. Showing it during the holiday season enables a discussion as well as some critical thinking about the holidays: Are they too commercialized? What do they mean to you and your family?

"Energize your classroom with humor," one researcher writes. I think it is excellent advice.

Spring Membership Meeting April 19

For this semester's membership meeting we are doing something different: The meeting will be held on campus, in Room G-106, from 3:30—5:30 on Tuesday, April 19. Light refreshments will be served.

The membership meetings provide a chance for you to not only meet the local's executive board and find out the latest of what is going on. It also gives our members a wonderful opportunity to meet other members and just spend a little quality time with fellow part-time academic employees. We hope to see you there.

Record Number of Part-Timers Working in March

511 people were working in our bargaining unit in March, the highest number since the Great Recession hit.

Pay Stubbs Now Being Provided Electronically

Beginning in March, the District is now providing pay stubs electronically via email. You can print them if needed. The District will continue to provide hard copies through June. Hard copies will be available until July.

Your Paycheck is Late or Doesn't Include Everything You Are Owed. What To Do?

Late or incomplete paychecks have often been an issue for our members, many of whom live "paycheck to paycheck" and a check that isn't right can be a catastrophe. After meeting with the Human Resources Department, we at PFA are able to offer you a clear cut procedure on what you can do if you have questions about you paycheck:

First, contact payroll as soon as you can. If your last name begins with A—G, the person to contact is Maria Lopez-Pacheco, extension 3945, email maria.lopezpacheco@hancockcollege.edu; if your last name begins with H—O you want to contact Stephanie Gonzales, extension 3259, sgonzalez@hancockcollege.edu; if your last name starts with P—Z, contact Keri-Common, at extension 3257, kcommon@hancockcollege.edu. Payroll will check right away on what you were paid for.

Do not, by the way, contact your dean, your department chair or secretary, or the Human Resources Department. None of them are in a position to do anything about this; only the payroll department can fix it. If your check is indeed short then payroll can provide a manual warrant within 3—5 working days.

It is also important to note that you must have done your part correctly in this process. We often here from payroll or HR that some of our members are late getting their notice of assignment or timesheet turned in. So be sure to get your paperwork turned in on time and make a note of the date you turned it in, just in case that becomes an issue. If you did turn your paperwork in late, you may have to wait until the end of the month to get what is owed to you.

The California Ed. Code Section 87821 states: "Each salary payment for any calendar month may be made on the last working day of the month and shall be paid not earlier than the last working day of the month..."