

MINUTES

UFO Executive Board Meeting
10 May 2021
Held via Zoom
4:30 p.m.

Executive Board Members present:

Jeff O'Connell
Jeffrey S. Dean
Emmanuel Garcia
Rob Smedfjeld
Andrea Brown
Heather McCarty
Teresa Massimo
Janice Jones

Other:

Katherine Michel

The meeting began at 4:33 p.m. with O'Connell introducing Katherine Michel to the Executive Board. Michel, a full-time faculty member teaching political science, has been doing work related to CEER—in particular work with Smedfjeld in the formation of CPR (the Counsel for Peaceful Resolution), which began as a CEER-based initiative but which is now being launched as its own entity. Smedfjeld reported out to the board that the organizing work for this group has been largely completed and he provided some background on the acronym for the group. Smedfjeld had sent out in advance of this meeting the Administrative Procedure draft that is making its way towards. In response to a call for any questions or concerns, McCarty asked Smedfjeld about the language in the AP which specifically refers to the funding of this group's work by the District. McCarty asked whether or not CPR-related funds could be used for training. Smedfjeld replied affirmatively that it was important to have the commitment of funding from the District so that CPR could operate and that such operations could include training for individuals and groups. Smedfjeld also indicated that it was important to document the mindset of the group that has done the work to form CPR and that ongoing funding cements that mindset. Noting that the group involved in the formation of CPR found the work to be positive and enjoyable, O'Connell added that the Vice President of Human Resources and Training indicated the hope that training in and practicing of mindful communication techniques has the potential to preempt escalation of the negative consequences of communications which do not have the ethos of positivity and productivity.

In a final CEER-related announcement, Smedfjeld noted that the term of the CEER representative on the Executive Board will become vacant during the summer and that this vacancy might best be filled by Katherine Michel, who has recently become involved with CEER. O'Connell reported that the language in the UFO Constitution and By-laws related to replacing an Executive Board member is a bit unclear but that it appears that Michel could be appointed to fill this vacancy by the Executive Board but that this appointment would need to be ratified at the next full-faculty meeting in August. A motion to appoint Michel to the remainder of Smedfjeld's term upon Smedfjeld's retirement during the summer with the intention to ratify Michel's appointment to the CEER representative position through the end of the entire Executive Board's term finishes at the end of December 2021 was made by Jones and seconded by McCarty. A question to clarify the process and timeline was asked by Brown and this was clarified. The vote was called and was affirmed unanimously.

O'Connell then provided some updates to the Executive Board. First, it was noted that communications from the RTC (return-to-campus) group (which O'Connell participates on) that are important for faculty to know about would be forthcoming and O'Connell urged the Executive Board to watch for emails coming from OhloneRTC@ohlone.edu. In terms of communications, O'Connell stated that the RTC website needed to be updated to reflect current policies and procedures.

O'Connell noted that the California Community College Chancellor's Office has indicated that it is not giving strict guidance to colleges about in person re-opening as the pandemic situation improves and that it appears to be giving colleges significant latitude on their decisions regarding the resumption of in-person instruction.

Additionally, O'Connell indicated that statewide enrollment at community colleges is down by 16% and that Ohlone's enrollment, by comparison, is also down, but by approximately 5%.

O'Connell relayed to the Executive Board that it was recently announced by the California Community College Chancellor's Office that decisions on whether to require that students and employees be vaccinated prior to returning to campus will be local ones, leaving this determination to individual districts. As of now, Ohlone College has not made any decision.

Covid testing has already been underway with student athletes who have returned to the Fremont campus for training and games, and O'Connell noted that a regular testing program may soon be implemented as employees as they return to in-person work in larger numbers.

McCarty asked O'Connell why the District has not made a decision about requiring a Covid vaccine and O'Connell indicated that the announcement to make it a local decision had not been expected. O'Connell stated that this is surely under discussion.

The next agenda item concerned the minutes from the April 12, 2021 meeting of the Executive Board, which had been sent out previously. After asking for any comments or corrections and hearing none, O'Connell indicated that the minutes would be adopted.

O'Connell asked Garcia to provide information about the recent Memorandum of Understanding (MOU) between the District and the UFO, which was signed on April 30, 2021. This MOU specifies that full-time UFO employees will be paid a stipend of \$1,000.00 and that part-time UFO employees will be paid a stipend of \$670.00. The stipends are intended "to compensate all UFO employees for additional expenses incurred as a result of the COVID-19 Pandemic." The MOU specifies that this is a one-time stipend and is not intended to be on-going or precedent-setting. Garcia also noted that the stipend is being paid from funds "from the CARES Act and that this stipend is not a result of current ongoing negotiations on salary and benefits." McCarty made a motion that the Executive Board ratify the MOU, with Jones seconding the motion. The vote of the Executive Board was unanimous in favor of the MOU.

O'Connell moved on to the topic of the necessary changes to the UFO's Constitution and By-laws regarding the compensation of the adjunct faculty member or members who serve as the part-time representative and/or the adjunct member or members who serve as part of the negotiating team. O'Connell indicated that it appears to make the most sense to deal immediately with the compensation for Brown, who has served as the part-time representative and who has served as part of the negotiations team for the 2020-2021 academic year and then clarify the language in the Constitution and By-laws later, since the changes to the language in the Constitution require a vote by the membership and that this would be most efficiently done at the same time as the new contract is voted on, hopefully in the Fall term. O'Connell asked Brown to speak to the necessary wording changes, but this item was held temporarily in order for Brown to do some quick revision. In the meantime, the Executive Board moved on to the Treasurer's report.

Jones presented an Excel spreadsheet to the Executive Board, indicating deposits and expenditures covering the time period beginning June 2020 and ending May 2021. Jones noted that the spreadsheet that was being shared had been updated since a previous spreadsheet had been sent out in advance of the meeting. Further changes were made during the meeting in response to questions. It was observed that the spreadsheet reflected delays in being billed and fluctuations in attorney's fees. McCarty asked Jones to send spreadsheets reflecting previous years in order to get a sense of changes in deposits and

expenditures in recent years and Jones indicated that those spreadsheets would be forthcoming.

The meeting returned to the subject of the language regarding compensation for the part-time representative for attending Executive Board meetings and for the service of a part-time faculty member as part of the negotiations team. In response to a question by O'Connell, Smedfjeld and Jones indicated that historically the payments were made at the end of each semester. Brown brought up the confusion in the language created by the use of the word "rate." Given that—as indicated earlier in the meeting—the immediate priority is to compensate Brown for time in meetings and at the negotiations table, O'Connell asked if the Executive board was comfortable with delegating the working out of Brown's compensation for the current academic year to Brown, Garcia, and O'Connell, with that amount being communicated to the Executive Board once that is finalized. The Executive Board consented to this arrangement with the provision (suggested by Smedfjeld) that the compensation amounts being documented and separated out to itemize amounts for being the part-time representative at Executive Board meetings and the amount determined for work in negotiations. The Executive Board was amenable to this arrangement and Jones asked that documentation be provided in advance of payment being issued.

The Executive Board went into closed session at 5:23 p.m. to get updates on two different grievance-related matters from McCarty and Massimo and to get updated on the status of negotiations from Garcia.

The Executive Board finished its closed session at 6:26 p.m. Reportable action from the closed session was the compensation to Massimo for work related to a grievance. The Board agreed to compensation totaling \$9,100.22. This accounted for 20% of a full teaching load for Fall 2020 and 20% of a full teaching load for Spring 2021. Massimo was asked by Jones to send a request in this amount by the end of May 2021.

Before concluding the meeting, O'Connell thanked the members of the Executive Board for their work in the past academic year, particularly because of the challenges faced due to the pandemic. O'Connell finished the meeting by noting that it was Smedfjeld's last meeting as a full-time faculty member. O'Connell noted Smedfjeld's service to the College and particularly the UFO membership over many years and expressed personal appreciation for Smedfjeld's work. Smedfjeld was wished well in retirement.

The meeting concluded at 6:30 p.m.

Respectfully submitted by Jeffrey S. Dean, Duke of Leeds,
and Secretary of the United Faculty of Ohlone on 10 May 2021.