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California State Senate

SENATOR
CATHLEEN GALGIANI
FIFTH SENATE DISTRICT



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October 29, 2018

Henry C. V. Yong, Chancellor
Darin Gharat, Board of Trustees, Chair
Yosemite Community College District
2201 Blue Gum Avenue
Modesto, CA 95358

Re: Faculty Contract Negotiations and Strike Vote

Dear Chancellor Yong and Chair Gharat:

I recently met with representatives of the Yosemite Faculty Association (YFA) and I am deeply concerned to learn of the negotiations climate at the Yosemite Community College District that has resulted in a 95% approval by Yosemite Community College District (YCCD) faculty to strike.

It is my understanding that the district and faculty have been negotiating a contract since November 6, 2015, nearly three years ago. The faculty contract expired on June 30, 2016, which is over two years ago. And, that YCCD's "last, best, and final offer" was given on February 23, 2018.

It is also my understanding that YFA was promised at least three times by district leadership that new proposals would be forthcoming after the district received updated funding simulations from the state Chancellor's Office. Yet, despite this commitment, I have been told that new district proposals never materialized.

Given these circumstances I believe that the district's actions require an explanation to the public. Therefore, I am requesting this explanation on the public's behalf and would appreciate your immediate written response to the following questions and areas of concern as outlined below.

- *Why is YCCD taking so long in reaching agreement on a new faculty contract? It seems to me that the patience of your faculty is being unnecessarily challenged, as other faculty unions from around the state have threatened to strike with significantly less time at the negotiation table.*
- *Why did YFA not receive any updated proposals as promised by the district? That was over eight months ago. On its face, it doesn't seem due to a lack of funding, since district administrators have indicated that projected state funding allocations put "YCCD on the winning side of the formula."*

YCCD's "last offer" states that the district administration will decide class sizes – as high as 45 students – without the meaningful input of the faculty union or the Academic Senate, or even faculty from specified disciplines.

- *Why was this new class-size proposal never discussed with YFA as part of your prior contract negotiations?*
- *Where is the district's evidence that increasing class sizes to as high as 45 will result in greater student success? Why is the district pursuing higher class sizes after receiving a substantial increase in its operating budget?*
- *What evidence does the district have in supporting its stated position that increasing class sizes will not adversely impact students' abilities to transfer to a CSU or UC?*
- *Why is the faculty not meaningfully being included in the district's class-size decisions identified in the district's "last offer"?*

It seems like YCCD's "final offer" falls short of the Consumer Price Index for both Stanislaus and Tuolumne counties. And, it also appears to ignore a cohort compensation agreement entered into over a decade ago that YCCD and YFA jointly developed.

- *Why has YCCD neglected to create a plan which honors the 2007 cohort agreement?*
- *YCCD created an aspirational goal of having at least a 10% reserve – a level that is twice the state requirement – which the district ultimately achieved. Why is the aspirational goal of providing your faculty the median salaries, as outlined in the cohort agreement, any different?*
- *With the district's \$15 million ending fund balance for 2018-19, in addition to the \$10 million in reserve, why is the district unwilling to offer a more equitable salary proposal to faculty?*
- *If YFA is willing to work with YCCD to jointly develop a reasonable timeline to provide faculty salaries that are at the median level agreed to in the cohort, why has YCCD refused to participate in such planning?*

It is my understanding that YCCD recently placed three resolutions on the October board agenda that seem to retaliate against faculty who participated in a lawful strike. Although these resolutions were subsequently removed from the board agenda, I'm sure you can appreciate the chilling effects that this action has likely caused. I am concerned that other coercive tactics may be used by YCCD against its faculty.

- *Why did the district initially move in a direction that could be threatening to individual faculty members for exercising their lawful rights? Has the district implemented any other actions that challenge the free speech and representation rights of faculty?*
- *On its website and in district emails to students, YCCD claims it can adequately cover the instructional classes at Modesto Junior College and Columbia College should a faculty strike*

occur. Please explain in detail how YCCD plans to cover over 2,100 class sections of face-to-face, hybrid, online and lab courses without its faculty.

Your immediate response to the above questions is imperative as the public's interest is at stake. The faculty have authorized a strike and that strike is imminent. As district leaders, I sincerely hope that you aggressively pursue positive resolutions to reach a fair contract with your faculty, and cease some of the more disruptive tactics that have been brought to my attention and which I described in this letter.

Frankly, I am disappointed in how these negotiations have been managed. I am especially troubled having voted to support this year's state budget that increased community college funding in the hope that these new funds would be used to improve instruction and student outcomes.

For the sake of the more than 20,000 students, who would be impacted by a strike action, please let me know if I, or my staff, may assist you in any way to reach an equitable resolution between YCCD and YFA. And, again, I look forward to your immediate written response to the questions and concerns that I have provided in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen Galgiani".

Cathleen Galgiani
Senator, Senate District 5

cc: Assemblymember Adam Gray
YCCD Board of Trustees
Jim Sahlman, YFA President