

January 5, 2009

Dear Colleagues,

Response to the Chancellor's message of December 18, 2008:

Point 3:

The two load matters: science and nursing 15-hour lecture loads reverting to 18-hour loads and the Supplementary Instruction loads. The Chancellor stated that the District offered to bargain these two load issues.

Response:

In the Load Committee the District and ACE had a signed agreement on these matters. The Load Committee is an agent of the ACE Council and through the load article has authority to reach agreement with the District on load matters. Once an agreement is reached it is then to be implemented through contract Administration. The District on subsequent multiple occasions did not come to negotiate the load issues; they simply stated that they would not honor this agreement. The District chief negotiator also stated on several occasions that Article 18 Load was not open.

History: this information has been sent to all faculty in various communications

Supplementary Load Issue:

On May 13, 2008, the Load Committee voted on criteria to use when loading new curriculum with supplemental instruction. Based on the criteria there are three possible load factors: 16.5, 19.7, and 26.3. (Note: a chart containing this information is in a newsletter at the ACE website.) ACE gave a letter of understanding incorporating these criteria into the contract to the District on September 25, 2008. At the fall 2008 meetings of the Load Committee, both the MC and WVC Vice-Presidents of Instruction stated that they would not use those criteria to load supplemental instruction. On November 3, 2008, the District responded to the ACE letter of understanding by indicating that load would have to be negotiated. Recognizing the urgency of resolving this load issue, ACE presented the District with another letter of understanding related to loading supplemental instruction. The District response was that the Load article was not currently open. It was pointed out to the District that if load was not negotiated, the courses could not be offered.

Lecture 15-base to 18-base load Issue:

The committee also recommended making permanent the changes in the 18-hour lecture loads to 15-hour – a contract provision due to sunset on December 31, 2008. ACE sent a letter of understanding to the District dated September 25, 2008 to incorporate these recommendations into the ACE Contract. The District finally sent a response dated November 3, 2008 indicating that all changes would have to be handled in negotiations

Realizing how critical it is that the affected departments are able to offer these courses, the ACE Council directed the negotiating team to begin immediately negotiating these changes. At the negotiating session on

Friday, November 21, 2008, the ACE team put a proposal on the table. The District's response was that Article 18 was not open. It was pointed out to the District that the result of not negotiating the changes would mean that none of these classes could be offered in the spring 2009 schedule and that the 15-hour lecture courses would revert to the old 18-hour base.

The District's response was that the courses would just be loaded anyway. The District would simply assign load to the courses in clear violation of the ACE contract. This will mean filing an unfair labor practice against the District. ACE is now in the process of filing an unfair labor practice against the District.

Respectfully submitted,
Susanna Pancella
ACE Secretary