

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
July 11, 2018, San Mateo, CA**

The meeting was called to order at 5:00 p.m.

Board Members Present: President Richard Holober, Vice President Maurice Goodman, Trustee Dave Mandelkern, Trustee Thomas Mohr, Trustee Karen Schwarz

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Holober said that during closed session, the Board will (1) hold a conference with legal counsel regarding three cases of existing litigation and one case of potential litigation as listed on the printed agenda, and (2) consider employee discipline, dismissal, release.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to closed session at 5:04 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:26 p.m.

Board Members Present: President Richard Holober, Trustee Dave Mandelkern, Trustee Thomas Mohr, Trustee Karen Schwarz

Others Present: Chancellor Ron Galatolo, Skyline College President Regina Stanback Stroud, College of San Mateo President Michael Claire, Cañada College President Jamillah Moore, District Academic Senate President Leigh Anne Shaw

ANNOUNCEMENT OF ACTION TAKEN DURING CLOSED SESSION

President Holober said that during the closed session, the Board voted unanimously to terminate a Custodian from classified employment.

DISCUSSION OF THE ORDER OF THE AGENDA

President Holober asked that the order of the two information be reversed in order to accommodate expected guests. The Board agreed to place item 18-7-2C as the first information item.

MINUTES

It was moved by Trustee Mohr and seconded by Trustee Schwarz to approve the minutes of the Regular Meeting of May 16, 2018. The motion carried, all members voting Aye.

It was moved by Trustee Schwarz and seconded by Trustee Mohr to approve the minutes of the Special Meeting of June 4, 2018. The motion carried, with Trustee Mandelkern abstaining and all other members voting Aye.

It was moved by Trustee Mohr and seconded by Trustee Schwarz to approve the minutes of the Special Closed Session Meeting of June 13, 2018. The motion carried, with Trustee Mandelkern abstaining and all other members voting Aye.

It was moved by Trustee Mandelkern and seconded by Trustee Mohr to approve the minutes of the Regular Meeting of June 21, 2018. The motion carried, with Trustee Schwarz abstaining and all other members voting Aye.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Marvin Steinberg, an adjunct faculty member at Skyline College, said he received a letter from AFT regarding a breach within AFT Local 1493 causing certain information about faculty members, including names, ages, home addresses, social security numbers and employment status, to be shared. He said he called AFT and was told that they hired a monitoring service and will pay for the monitoring for one year. He said there were instructions in the letter from AFT on how to sign up for the service; however, the system did not work. Professor Steinberg said he believes that AFT is not

accepting responsibility for their actions. He said he hopes that the District, as the agent for collecting union dues, will accept some responsibility for protecting faculty. He said he wrote to Chancellor Galatolo today asking for a document stating that if any identification theft occurs because of the aforementioned malfeasance, the faculty member will not be liable for any illegal transactions and the District and AFT will assume all responsibility for any identification theft created through the malfeasance.

Monica Malamud, a professor at Cañada College and AFT 1493 Past President, said the data breach occurred on May 18. She said the union took prompt action to investigate and to inform all faculty members who were affected through emails that were on file and through the U.S. mail. She said the union reached out to the national AFT for advice and also sought legal advice on what action was required in the State of California. She said a dedicated email account has been set up to handle inquiries about the breach and is being monitored by AFT 1493 President Paul Rueckhaus.

President Holoher said he recognizes that this is a grave matter. He said that since it was raised during statements from the public on non-agenda items, the Board is not at liberty to respond in depth or discuss the matter at length. Trustee Mohr asked when the District became aware of the breach. Chancellor Galatolo said the District became aware today when he was informed of it by Professor Steinberg.

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (18-7-1A)

President Holoher said staff requests a change to the last item on page 5 of the report. The effective date for the end of the interim assignment for the Interim Vice Chancellor, Educational Services and Planning, should be July 2, 2018. It was moved by Trustee Schwarz and seconded by Trustee Mandelkern to approve the amended report. The motion carried, all members voting Aye.

Other Recommendations

APPROVAL OF REVISIONS TO BOARD POLICY 1.02, ORGANIZATION OF THE BOARD (18-7-100B)

It was moved by Trustee Schwarz and seconded by President Holoher to approve the revisions as presented. Trustee Mandelkern said he understands the intention to modify the policy to bring it into conformance with the new election method. He said he also understands that in the interest of time, the revisions have not gone through the regular vetting process. Chief of Staff Mitchell Bailey said he serves as co-chair of the District Participatory Governance Council. He said he and co-chair Leigh Anne Shaw discussed the matter and agreed that it would be appropriate to bring the proposed revisions to the Board at this time because the Council will not meet again until September.

Trustee Mandelkern said the proposed policy revisions include, "A candidate for election as a member of the Board of Trustees shall reside in and be registered to vote in, the trustee area he or she seeks to represent." He said he believes it is the intention of the Board that trustees maintain residency in the trustee area for the length of their terms. He said he would like that clarification to be included in the policy. Mr. Bailey said the proposed policy language is taken directly from the Election Code. Chancellor Galatolo said he believes Trustee Mandelkern's suggestion also reflects what is in the law. It was agreed that Mr. Bailey will confer with legal counsel to confirm this. The Board agreed to take action on the proposed revisions, with the understanding that the clarification on trustees maintaining their residency for the duration of their terms is added. If this addition is not verified by legal counsel, the policy will be brought back to the Board for further discussion.

President Holoher referenced a section on vacancies which states that if a provisional appointment is made, the person appointed "shall hold office only until the next regularly scheduled election for Board members, when an election shall be held to fill the vacancy for the remainder of the unexpired term." He said he interprets this language to mean the term of the appointment will be until the next regularly scheduled election and not the scheduled election for that particular seat. Trustee Schwarz said she had personal experience with this when previously serving on another board and confirmed that President Holoher's interpretation is correct.

After this discussion, the motion to approve the revisions with the modification noted above carried, all members voting Aye.

STUDY SESSION

DISCUSSION OF 2018 BOARD ELECTION OUTREACH EFFORTS (18-7-2C)

Trustee Mandelkern thanked staff for researching election law and for presenting options for outreach activities. He said he believes the outreach efforts should be simple and spartan, informing the public that there is a new election method and noting the two trustee areas that will be up for election in November. Trustee Mandelkern said the flyer attached to the board report shows the two districts that will be up for election, is free of editorial content, and directs people to the County Office of Elections for clarification or more information on boundaries. He suggested that the flyer highlight the two areas in more contrast to the other three areas that will not have elections in November.

Trustee Mohr said the intention in changing to by-trustee area elections was to provide greater opportunity for diversity on the Board. He said he believes that any outreach activities should be in compliance with this intention. He suggested that information be provided to various groups and sent to places where people gather, such as libraries.

Trustee Schwarz said that in speaking with people in the community, she has found that much of the public does not know about or understand the new election method. She said she believes that the cities, school districts and other organizations in the areas involved – Area 2 and Area 4 – should be notified as soon as possible. Trustee Schwarz said that disseminating information to as many people as possible might encourage individuals who have not chosen to run for a seat before the change to by-trustee area elections.

Trustee Mandelkern suggested that, if approved by legal counsel, an advertisement be placed in the daily newspaper that covers both trustee areas that are up for election. Mr. Bailey said outside legal counsel has confirmed that all of the recommendations for outreach included in the board report, including newspaper advertisements, are simply informational and do not constitute electioneering. He said he has reserved space in three newspapers, pending approval by the Board to move forward.

Trustee Mandelkern said his concern with the summary list of organizations included in the board report is that it might be seen as biased in distribution, e.g. which religious institutions are included and not included, including or not including veterans groups, AARP, etc. He said he would be more comfortable with providing information to elected boards and in public places such as libraries. Trustee Schwarz said she is in favor of providing information to the community in the widest circle possible. She said she would be willing to deal with jealousy of civic organizations should it occur. Trustee Mohr said he does not have a problem with the list. He said distributing information as broadly as possible informs the general public and might cause individuals, especially those from underrepresented communities, to consider running for a seat on the Board. Trustee Mohr suggested that staff work with cities, which can provide information on groups and entities and where they gather.

President Holober said that if information is disseminated widely, he believes it should go to a wider list than the one included in the report. He said examples are various publications, including Chinese language publications such as World Journal; NAACP branches; Organization of Chinese Americans; Filipino Center; student organizations; labor organizations; and senior organizations. He said the outreach should be conducted countywide and should include the Midcoast Community Council.

Trustee Mandelkern said the outreach should be conducted as soon as possible if it is to have an impact. He noted that the filing period for the election opens on July 16 and closes on August 10. President Holober said that given the short timeframe, the closing date is an important item to include in the information provided.

Chancellor Galatolo thanked the Board for giving direction to staff on this matter.

DISCUSSION OF 50 PERCENT LAW (18-7-1C)

Chancellor Galatolo said that at a previous Board meeting, the issue of the 50 Percent Law was broached, primarily by AFT regarding their concerns about the District not complying with the Law. Included in the conversation was AFT's suggestion that there was a lawsuit against the Marin Community College District concerning this issue. Chancellor Galatolo said this was actually a stipulated agreement between the Marin Community College District and the union in 1985. He said it was not litigated and there was no case law.

Chancellor Galatolo said the 50 Percent Law is 60 years old. He said it was designed when California had a K-14 system and was designed predominantly for K-12 education. He said that when the community colleges broke away as two-year institutions, the arcane vestige of the Law continued to persist, even though community colleges were fundamentally a different learning environment then and are a completely different learning environment now.

Chancellor Galatolo said he believes the 50 Percent Law hurts students because it forces institutions to make strategic decisions around what he considers to be an outdated, Byzantine law that does not focus on the contemporary needs of students. He said he believes the Law also hurts faculty. He said it is often thought that districts comply with the Law by increasing the numerator, meaning adding more faculty or increasing the compensation of faculty. He said compliance can also be accomplished by modifying the denominator, which includes faculty such as counselors, tutors and librarians. Chancellor Galatolo said the denominator also includes release time. He said the District currently allots almost \$7 million in release time for faculty to work on programs such as the Promise Programs and Guided Pathways. He said faculty could be reassigned back into the classroom and away from these areas that are making a measureable positive difference for students. He said the District could also comply with the Law by giving faculty a 17 percent increase in compensation – which is the anticipated total amount that would be given to all employees over the next two to three years – at the expense of all other groups. He said he would not recommend this option. He said the District is experiencing declining enrollment and District faculty are already the highest compensated in the Bay 10 and among the highest compensated in the state.

Chancellor Galatolo said he often hears that the District continues to add administrator positions and does not add faculty positions. He said he retrieved data from the last ten years, which the Board has seen on numerous occasions. He said there were 54 administrators in 2008 as opposed to 52 in 2018. The current 52 administrators include two who work at the Foundation and two who are not compensated through the general fund. He said he would argue that the District is one of the leanest in the state in terms of the number of administrators.

Chancellor Galatolo said there has been an increase of 20.5 non-instructional faculty members since 2012-13, an increase of 47 percent. He said these positions have included librarians and counselors, along with faculty who work in tutorial labs and, more recently, Guided Pathways and the Promise Programs. He said that during the same period, there has been an 8 percent increase in the number of instructional faculty, even though the District has had a 23 percent decline in the number of students it serves. He said the District's international student program has grown by 234 percent since 2013.

Chancellor Galatolo said the District Strategic Plan emphasizes a focus on underserved, marginalized students. He said staff and talented faculty are needed to build programs through release time in order to fulfill this mandate. He said data show that the programs are working and are making a positive difference for students. Chancellor Galatolo said he sees no reason to use the 50 Percent Law as a tool in decision-making; rather, he believes in making decisions that will address the strategic vision that the Board so carefully put together several years ago.

Chancellor Galatolo said that if the Board were to direct compliance with the 50 Percent Law, the following are ways that it could be achieved:

1. Increase faculty compensation, which would result in approximately a 17 percent increase for faculty and no increase for any other classification.
2. Put faculty coordination, release and reassigned time back into the classroom, which would be misaligned with Strategic Plan, Promise and Guided Pathways initiatives and is in direct conflict with the District's version of the CUNY ASAP model (accelerated academic achievement).
3. Put all faculty into the classroom, including counselors, librarians and psychological services.
4. Lay off non-faculty employees, which would equate to a reduction of approximately 131 classified/administrative positions.
5. Reduce non-salary expenses, which would represent a reduction of about 50 percent of non-personnel operating expenses.

Chancellor Galatolo said he obviously would not recommend any of these options.

Aaron McVean said that in his role as Vice Chancellor for Educational Services and Planning, the Board has charged him with overseeing the implementation of the Strategic Plan. He said one of the keys to achieving the goals of the Strategic Plan is the innovation taking place at the District and the Colleges. He said that in order to have that level of innovation, flexibility and resources are needed to put programs in place that will positively influence student success as well as equity and social justice. For example, Vice Chancellor McVean said that Skyline College faculty members

brought a proposal to the administration that called for five faculty members to get .6 release time each to work on the implementation of Guided Pathways. He said these are the same faculty members who made a presentation on Guided Pathways to the Board. As another example, Vice Chancellor McVean said that when it was recognized that DACA students needed additional services, the District did not hesitate in designing DREAM Centers using money from the general fund, but had to be concerned only about doing what is right for students. He said other social justice programs in the denominator of the 50 Percent Law include Project Change, SparkPoint Centers, Faculty Diversity Internship Program and cultural-based learning communities. Vice Chancellor McVean thanked the Board for the opportunity to present his perspective.

District Academic Senate President Leigh Anne Shaw said the 50 Percent Law has been used as a metric for recommending the numbers of faculty to serve students. She asked what alternative metrics the District feels more confident in relying on. Chancellor Galatolo said the metrics are included in the Strategic Plan. President Stanback Stroud said that at no point in her tenure as Vice President of Instruction or President of Skyline College did she consider the 50 Percent Law. She said the metrics for determining how many full-time faculty are needed is impacted by:

- Whether there is enough load for an assignment
- Whether there is there enough enrollment
- Program development
- Governance process; prioritization in recommending full-time faculty
- Budget Committee recommendations on hiring
- Overall Strategic Plan

Trustee Mohr said the District is fortunate to have \$60 million more per year than a revenue limit district of the same size. He said the student body served by the District is very different than it was twenty-five years ago. He said diversity has become paramount and the District cannot take the position that support services are not important to the students being served. He said a tremendous amount of time and energy has been put into designing programs that provide the support students need to be successful. He said that at the same time, the Board has been clear that they expect to see data. He said the data he has seen has led him to believe that major, positive changes are occurring. Trustee Mohr said the Board has a responsibility to recognize that everything that is accomplished in the District is with and through faculty and staff who live in the most expensive housing market in the country. He said the District cannot ignore this and must respond through the Strategic Plan, negotiations, leadership structure, participatory governance processes, etc.

Trustee Mohr said the 50 Percent Law was established in 1961 and interacts with the 75/25 Law and the Faculty Obligation Number (FON). He said the thinking at the time of the enactment of the 50 Percent Law was that it was a way to increase enrollment. He noted that the Law was passed prior to the implementation of collective bargaining in 1975. Trustee Mohr said the Board tries to bring balance between investing in faculty and staff and investing in teaching and learning so that the goals of the Strategic Plan and the basic mission of the institution are accomplished. He said the Board has a responsibility to take care of human needs and academic needs. He said he is not saying that the 50 Percent Law is not important; however, he said it is problematic if the Board reasons its way out of its responsibility by saying “it’s the law.” He said he would like leaders to talk with each other to reestablish and understand priorities, understand what it costs to educate a student in the District, determine what resources the District can bring to bear to support instruction, and discuss whether some mitigation regarding the 50 Percent Law might be possible. Trustee Mohr added that there are unions in America that have a long history of assuming that kind of responsibility.

Trustee Schwarz said students recently went through graduation and she wonders how many may not have been able to graduate without some of the programs and resources that the District offers. She said that because the District is community-supported, the Board made a decision to address helping students in a complete way. She said she does not believe this has harmed faculty as they have maintained their numbers, are well-paid and are given release time and other things that they deserve to have. Trustee Schwarz said the Board has agreed with the Strategic Plan, the Promise Program and Guided Pathways. She said she heard President Stanback Stroud talk about how she does not consider the 50 Percent Law when determining staffing, but considers need and interest as the Board has laid out. She said she assumes this is true at the other Colleges as well. She said the communities and students within the District are different than they were in 1961 and the District tries to accommodate the faculty and staff who live in the most expensive place in the country as best it can. Trustee Schwarz said she is proud of the accomplishments of the programs that have been put into place in the last few years and she does not see why a change would be made. She said she agrees that communication is necessary, including a discussion of things that individuals would be willing to give up in order to comply with the 50 Percent Law.

Trustee Mandelkern said he would like to think that everyone is on the same side in this discussion in that everyone wants to help students be successful. He said that when the focus is on the needs of students and everyone works together, the District is at its best. He said that some compelling arguments have been made regarding the 50 Percent Law; however, consideration must be given to the fact that it is the law. He said that in the past, the District has demonstrated that it can be a powerful advocate for change, such as with accreditation, and the same could be done in this case if it is believed that the 50 Percent Law is not good for students.

Trustee Mandelkern quoted from a handout addressing the 50 Percent Law, under the section on Current Expense of Education: "In addition, a few years ago, the Chancellor's Office also excluded retiree benefits from this calculation, including benefits for retired classroom instructors." He confirmed with Executive Vice Chancellor Blackwood that contributions to STRS and PERS for all current employees are included in the denominator. The numerator includes STRS payments only for faculty who are considered classroom instructors, while non-instructional faculty are included in the denominator only. Retiree benefits are not included in either the numerator or denominator. Trustee Mandelkern asked how the dramatic escalation of retiree benefit payments could affect compliance with the 50 Percent Law. Executive Vice Chancellor Blackwood said the effect could be substantial because PERS contributions have increased at a faster rate than STRS and this has increased the denominator faster than the numerator. Trustee Mandelkern said this points to the recognition that some items are out of the District's control.

Trustee Mandelkern said his recommendation is to have the leadership work together to determine the right balance between the numerator and denominator of the spending equation, which might or might not coincide with 50 percent being the right answer. He said that putting all faculty back into the classroom, which would eliminate important programs and student services, would not benefit students or the community, and he suspects that faculty leadership would agree that this is not the right solution. Trustee Mandelkern said he believes the metrics in the Strategic Plan around student success are a better guide for determining whether the money being spent is resulting in improving education and increasing student success.

President Holoher asked if the Current Expense of Education includes the District's reserves. Executive Vice Chancellor Blackwood said it does not. President Holoher asked how much money is put into the reserve annually. Executive Vice Chancellor Blackwood said there is not a line item in the budget setting aside new money for the reserve. She said any money put into the reserve comes from the previous year's ending balance. Trustee Mandelkern asked if money that is put into the Futuris Trust Fund comes from the general fund and whether the District would be closer to compliance with the 50 Percent Law if no money was added. Executive Vice Chancellor Blackwood said approximately \$2 million of the money put into the Trust is included in the denominator; the portion charged against future retiree benefits for teaching faculty is included in the numerator.

President Holoher asked for clarification on what items are considered "transfers out" which are not included in the Current Expense of Education. Executive Vice Chancellor Blackwood cited the example of Public Safety. She said the District charges all Public Safety expenses to the categorical restricted fund. Part of the expenses are covered by parking fees and fines; however, this does not produce enough revenue to cover all expenses so money is transferred from the general fund to cover the remaining expenses. Executive Vice Chancellor Blackwood said another example is the Promise Program, which receives external funds. She said she has asked the Colleges to move the Promise Program to the restricted side for the 2018-19 year. A transfer will then be necessary to cover the portion of the Program that is not funded by external sources. She said this will shrink the denominator. President Holoher asked if there are ways to shrink the denominator that will not change anything except how the accounting is done. Executive Vice Chancellor Blackwood said the District has done everything possible within the limits of the Budget and Accounting Manual.

President Holoher said he agrees that the District is doing creative things that are showing results for students and he does not want this to change. He said he does not believe that the age of a law determines its validity and he cited Medicare, Social Security and the First Amendment as examples. He said he believes the relevant factor is whether a law is serving a purpose. He said his assumption regarding the 50 Percent Law has been that no less than 50 percent of tax dollars that the public willingly pays for education should be spent in the classroom. He said he suspects the public would be surprised to hear that no less than 75 percent of the dollars is spent in the classroom.

President Holoher said the amount of decline in resident enrollment raises a red flag for him. He said he understands the cyclical nature of enrollment and that during an economic boom, people feel less need to attend community college. However, he said he finds it troubling that the District went from an enrollment of 19,600 resident students five years ago to 15,000 currently. He questioned whether the District is doing enough to provide opportunities to the entire community

and whether it is reaching everyone it should be reaching. President Holober said another factor is the full-time to part-time faculty ratio. He noted that teaching is not a day job for many part-time faculty members and some travel up and down the Peninsula to cobble together one job. He said he would like to see the percentage of full-time faculty increase and the percentage of part-time faculty decrease. He said he believes this provides better educational outcomes and would be the right thing for both students and dedicated faculty members. He said that if classes are being closed due to declining enrollment, it is worth asking if the District can be more forgiving about the number of students enrolled in order to keep a class open. He said smaller classes can offer a richer educational setting and can offer more academic support in the classroom for some of the same students being served through programs that are not counted in the 50 Percent Law. Trustee Mohr agreed that full-time faculty are an asset for which the District cannot find a substitute. He said he believes the District pays too much attention to load and should pay more attention to programs and success rates. He added that much of the learning on a college campus takes place outside of the classroom and this is conducted by full-time faculty and classified staff.

Trustee Mandelkern said San Mateo County has an unemployment rate of approximately two percent, which means that many jobs are going unfilled. He said this accounts for a large portion of the decline in enrollment. He agreed with the idea of examining whether there are segments of the population that are still underserved. He said only sixty to seventy percent of high school graduates in the County go on to enroll in any college and it behooves the District to ask if there are opportunities to attract and offer education to the other thirty to 40 percent. Trustee Schwarz said attracting these students is the goal of some of the programs that have been developed. She agreed that this is a good time to enhance the efforts.

President Claire said that even though there is declining enrollment, College of San Mateo made the decision to hold steady instead of canceling numerous classes because the College does not want to lose capacity or lose valuable adjunct faculty. President Stanback Stroud said that at Skyline College, forty percent of seats in the classroom on average are empty. She said there are approximately 28 students enrolled in a class. She said the College pays attention to load because (1) it is a representation of responsible stewardship of the public's money, and (2) for every one point in load, there is \$30,000 of real money. She said the way to get more full-time faculty is through a balance between efficient use of the resources available combined with programmatic and academic drivers. For instance, she said that having 35 students in a class makes sense for some disciplines but not in others. President Stanback Stroud said load is not just an issue about whether there are 20 students in a class, but is part of an overall complex enrollment management strategy. Trustee Mohr said the total number of students at a college and the sequence of courses are other factors to consider.

President Holober said there seems to be agreement among Board members that there would be value in getting leaders of all stakeholder groups involved in a discussion on the 50 Percent Law. Chancellor Galatolo said staff will follow up with this suggestion.

STATEMENTS FROM BOARD MEMBERS

Trustee Schwarz said that she, along with Trustee Mohr and Trustee Mandelkern, attended the ninth Trades Introduction Program (TIP) graduation at College of San Mateo. She said the program has grown over the years and an increasing number of women have participated in the program.

Trustee Schwarz said she has been attending monthly meetings regarding human trafficking in San Mateo County. She said she got involved with the issue after attending a presentation at Cañada College in 2016. She said the County has appointed a Human Trafficking Program Coordinator and is working on creating posters that will list a local telephone number to call to report suspected cases of human trafficking. There will also be an awareness program on human trafficking at the Santa Clara County Fair. Trustee Schwarz said human trafficking is the fastest growing business in the United States and occurs right here in San Mateo County. She said she is pleased that the County has developed a program and is working with law enforcement.

Trustee Mohr addressed last month's Supreme Court decision in *Janus v. AFSCME* which he said seeks to turn back the clock on almost a half century of progress for working people. He said he feels strongly about speaking on this item because he was born and raised in a small steel town where the "Little Steel Strike" took place in 1937. The CIO had made arrangements with the large steel companies for a 40-hour work week and other issues, but the smaller companies, such as Republic Steel and Youngstown Steel, would not agree. The workers went on strike, three people were murdered within a week, and the National Guard was called in. A large number of the town's residents worked in the Republic Steel Mill and community leaders recognized the importance of unions and the quality of life of the workers.

Trustee Mohr said the same well-funded special interests that brought anti-worker, anti-education policies in state legislatures across the country are behind the *Janus* case. He said the National Right to Work Foundation, the group whose lawyer argued the case on behalf of Mark Janus, is part of a network of organizations funded by corporate billionaires. He said the consequences of undercutting teachers' rights to collective bargaining have already been seen. In 2011, Wisconsin's Act 10 eliminated collective bargaining rights for most state and local government workers. After the law passed, teacher turnover accelerated and teacher experience shrank. The percentage of teachers with less than five years of experience rose from 19.6 percent in the 2010-2011 school year to 24.1 percent in the 2016-2017 school year. The percentage of teachers who left the profession increased dramatically.

Trustee Mohr said that California Assembly Bill 2970, authored by Assemblyman James Cooper, mandates that public agencies cannot announce publicly the place of new employee orientation meetings. Additional California requirements include:

- Contacts for all employees must be provided to the union every 120 days
- Employees must have regular opportunities to sign up
- The union, and not the agency, must collect forms
- The agency must confer with the union before sending out any mass communication about *Janus*

Trustee Mohr concluded his remarks with a quote from Martin Luther King, Jr.:

“ . . . the labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them.”

Trustee Mandelkern said human trafficking is a large issue in San Mateo County because San Francisco International Airport provides a gateway. He said there are innovative programs in the County for training workers at the airport, as well as nearby hotels and transportation services, on how to look for warning signs of human trafficking. He said there are also non-profit organizations that help victims of human trafficking put their lives back together.

Trustee Mandelkern said he enjoyed the TIP graduation ceremony, as well as the topping out ceremony for the new Science and Technology building at Cañada College.

Trustee Mandelkern, noting the recent Fourth of July holiday, said he looks at the country as a work in progress. He spoke of what the country once stood for in terms of the American dream – that people are treated with dignity, respect, equity and justice for all, and that people work to provide for their children and raise the next generation to have greater opportunities than they have had. He said there have been stains on the fabric of the country over 242 years, but there are many things that are right about America and he chooses to focus on the parts that are good. He said he believes that people of good will can work together to make the country a better placed in the future.

Trustee Mandelkern thanked Trustee Mohr for providing a good background regarding the *Janus v. AFSCME* case. He said he is interested in seeing what the District can do to help protect its workers who are part of collective bargaining units and help preserve the value that is brought to the workplace by having effective collective bargaining and effective representation of workers. He said he believes it is a matter of fundamental fairness that people should not get a free ride. He said he does not anticipate that many District employees will opt out of paying union dues because of the *Janus* case; however, he said he would like to explore whether those who do can be placed in a separate category of employees who would not receive the benefits that their union leadership bargains for in terms of salary increases, benefit increases, representation, seniority rights, workplace rules, etc. Trustee Mandelkern said he has been informed that this would be illegal and impossible to do, but he would like to have people who are experts in labor law render an opinion on it.

President Holober said he has submitted suggestions for a questionnaire soliciting feedback from individuals who regularly attend Board meetings, as discussed at the Board Retreat in April. The purpose of the questionnaire is to assist the Board in their self-evaluation process.

President Holober said he worked at the National Labor Relations Board (NLRB) when he was in graduate school and practiced before the NLRB as a union organizer. He said that state law largely mimics federal law and is clear about the system called exclusive representation, meaning that when a union is voted in, it is required to represent everyone and when a union is voted out, it represents no one. He said that the question of instituting a separate category of employees would be in obvious violation the law and he is not sure it is worth asking the question. Trustee Mandelkern said that rulings sometimes have unintended consequences and he wonders if the *Janus* ruling might have created a problem around the issue of free speech. He also questioned whether the District might be under state law rather than federal law and if there is a possibility to lobby for change to the state law. President Holober noted that the federal *Janus* case involved state collective bargaining. He said the case might provide an opportunity to promote the value of the unions to their members and to rekindle some “fighting spirit.” Trustee Mohr said it can provide an opportunity for the District and the union as partners to look at how the union engages in a broader range of matters that are significant to teaching and learning. He said Albert Shanker’s plea shortly before his death was that the union be a major leader in all matters that impact the quality of the educational process and that it engage people in more constructive ways across the entire spectrum of human need.

ADJOURNMENT

The meeting was adjourned by consensus at 8:49 p.m.

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the August 22, 2018 meeting.

Maurice Goodman
Vice President-Clerk