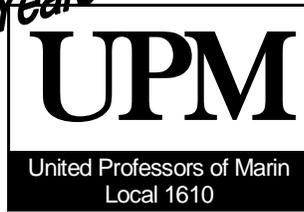


37 Years Strong!



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Union Press

PONDERINGS OF THE PRESIDENT by Ira Lansing

Last month I talked about how the president of the United Professors of Marin must have the skill set of an auto mechanic. This column you are reading at this very moment is the last one I will write as UPM president. Indeed, maybe my last one for this publication. After all, when you are not UPM president, you don't have to.

I believe that it is appropriate for this column to end like my first one started, which was a column that I wrote as UPM Grievance Officer. Appropriate because that will be my next assignment for this Union. If being president parallels an auto mechanic, then grievance officer parallels an oncologist. It is someone you never want to have anything to do with, you are glad they are there when you need them, and you never want to see them again. And similar to people who require the services of a doctor specializing in cancer treatments, the patient often waits too long before seeking help. Why is that? Most people do not want to confront and deal with, if they don't have to, unpleasant and life threatening circumstances. With these realizations, it was in late 1986 (yes, I know, you weren't even born) that I wrote a column entitled "How to Survive a Grievance". This column

was seen by the California Federation of Teachers and in March of 1987, with permission, they printed it in their state-wide publication. From there it went viral. Of course in 1986 "going viral" meant my mother read it, and possibly the College president. So here, for your enjoyment, or for the next time you are waiting to see an oncologist or the UPM grievance officer, is the original "How to Survive a Grievance".

Just like winning the Publishers' Clearing House Sweepstakes, a grievance is something most of us read about and never actually experience. Over the last eighteen months as Union president, grievance officer or chief negotiator, I have dealt with nine potential or actual grievances. In my tenure in this District I have even filed a grievance that went to a Board hearing (the final step of the old grievance process [before binding arbitration]). In all of these grievance experiences I noticed that the grievant (myself included), often went through various stages of behavior. Since none of these behavioral steps is beneficial, exposing them may save you time or emotional wear and tear.

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Situation: The first inclination of a grievant is to ignore the problem; maybe it will go away if nobody says anything. Or maybe I'm wrong, it's really not a problem. In fact, the problem usually surfaces to the level of a grievance because so many people have been involved with it for such a long period of time. At best, this behavior moves the focus of the problem over to someone else, but does not alleviate your own difficulties.

Solution: Consult your Contract or contact a representative of your local. In this way it can be determined if a grievance actually exists. By Contract definition a "grievance" exists if you have "been directly or adversely affected by a misapplication, a misrepresentation, or a violation of a specific provision of [the Contract]."

Situation: A legitimate problem/grievance does exist, but the grievant wants to try and resolve it "informally", in-house, or by means other than the grievance process. After all, we still have to work with these people and we don't want to rock the boat or cause problems. An informal approach may generate a solution—this time. But what about the next time and the next person? No party is bound by this type of solution. In fact, future violations are only encouraged. Also the methods, statements and results of an informal process can often create formal documentation that can come back to haunt all of us. That personal memo explaining your feelings, that "informal" comment to an administrator, or that plea by a well-meaning third party can all lead to documentation that undermines your intentions. [Addendum: once a grievance has been filed, it is always UPM's practice to attempt an informal resolution. But this process is still under the aegis of UPM and provides the member the necessary protections.]

Solution: Never meet with anyone involved in the grievance without a Union representative. Even if the representative doesn't say a single word, you at least have someone else who can confirm or deny what was said. Even if "the

other side" says this is just a casual meeting, or we are just trying to understand your position, or explain ours, don't go alone! Should the grievance formally progress, the fact that the Union was present at all stages—and that you weren't accompanied only by a well-meaning colleague—clarifies intentions. Also, from an organizational standpoint, involvement from the beginning saves the Union time later. Finally, do not write or sign anything until it has been reviewed by the Union's legal counsel (it's one of the things you pay your dues for). Again, your truly well-meant thoughts can become excellent evidence against you later.

Situation: There is a problem. You do not want an indirect solution, but you also do not want to jeopardize your job security, class schedule or any of the other hundred things that you keep doing. After all, we still have to work with these people and we don't want to rock the boat or cause problems (sound familiar?). And we all know that "they" will not forget them.

Solution: Just let 'em try! You might be able to comfortably retire if they did. Quoting from the contract (Article 12.9), "the fact that a unit member has filed a grievance shall not be considered in personnel decisions nor in any recommendations for job placement, nor in decisions of awarding continuous contracts to probationary or contract members of the bargaining unit."

Situation: OK, you have been very conscientious, you played by all the rules and followed all of the above recommendations, but you really are basically a nice person and you do not like these adversarial situations. Receiving or causing stress is not something you want to have happen. After all, we still have to... (you fill in the rest).

Solution: This remedy is the easiest to give, and the hardest to take: Don't take it personally.

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One of the positive things that can be said about the administration is that they recognize the existence of a contract. It is not something to work around, but to work with. A grievance is just a contractual remedy to a problem. It has been my personal impression that all administrators involved in the grievances I have observed do not feel in any way personally attacked or maligned by the process. In fact, they often view it as a welcome relief to a festering problem. They don't take it personally, and neither should you. Again, easier said than done, but keep it in mind. This part of the system really does work, and you can make it work for you. Know your rights and use them!

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Well, was I more naive back then or did I just have more fire in my belly or have the times

changed? I am sure all of us can think of examples or counter-examples over the past years to much of what I wrote 25 years ago. But the basic principle still holds: a grievance is recognized by all parties as a proper contractual procedure.

Like dealing with an oncologist, you hear the advice (put on sunscreen), you may or may not follow the advice (it's only for 20 minutes), and either way you hope never to have to deal with that specialist. Now I will be assuming the role of the person you don't want to see. But, as many of you have done over the past decades while I was UPM President, you can still contact me for opinions and advice.

I will tell you one last time: stay in touch, stay informed and stay involved. But after all, when you are not UPM President, you don't have to.

Collective Bargaining Update

During finals week, Chief Negotiator Paul Christensen and I met with interim Dean of Student Development Armond Phillips to set the shape of the table for reopeners. Armond assured us that he was intent on making this stage of negotiations quick and painless. Armond, however, is now gone (serving as interim President in Napa) and we are, we guess, back to sitting across the table from Executive Dean of Human Resources and Labor Relations Linda Beam.

Ms. Beam has informed us that the District will reopen Articles 3 (Wages), 4 (Fringe Benefits), 7 (Evaluation) and 8 (Workload). While the District's intention to reopen Article 8 might on the surface sound promising, in President Coon's recent email (End of the Year Updates, 5/21/12), the Board does not appear to have considered any increase in faculty wages in its "guiding principles for the preparation of the 2012-2015 fiscal year budgets." District

proposed modifications to other Articles are as yet undefined, but we suspect that the District will try to incorporate Student Learning Outcomes into Article 7 (Evaluation) and to increase Chairs' responsibilities in Article 8 (Workload), again with no mention of increased wages.

In accordance with membership feedback, UPM will reopen Articles 1 (Recognition), 3 (Wages), 4 (Benefits) and 8 (Workload). We're trying to boost compensation and benefits for ALL part-timers, as well as for permanent unit members, and we're proposing increased responsibility, authority and compensation for Department Chairs.

We have a tentative meeting with the District on July 2, but we do not have any further details as to exactly what its representatives will present in writing. As we hear more, we'll keep you posted.

John Sutherland

Changing of the UPM Guard

Every day, in many countries throughout our world, a ritual occurs: Sentries replace other sentries who have been on duty for a predetermined time. It happens at the Tomb of the Unknown Soldier in Virginia, Moscow and Greece and at palaces and castles in Prague, Denmark, Monaco and Norway. A sentry's duty is to keep watch for unauthorized access and for danger. These change ceremonies, performed by members of the military, take place with remarkable precision and elaborate choreography, yet in many other institutions, similar, though unarmed, changes occur.

Our faculty here at the College of Marin is currently facing such change, as Union President Ira Lansing is stepping down from the post that he has held for over 20 years. As well, our Chief Negotiator, Paul Christensen, is phasing out of the position he has held since the mid-eighties. Though Paul will split the Chief Negotiator position with me and Ira will become Grievance Officer, the changing of the UPM guard is looming. It's noteworthy that while the changing of the guard at, say, Buckingham Palace, occurs daily, our "sentries" have stood watch for us for decades.

Largely due to Ira and Paul, we have one of the best run unions and strongest Collective Bargaining Agreements in the state, with the highest pro rata pay for part-time instructors, full benefits for part-timers who teach six units, rehiring rights, etc. The District's previous chief negotiator, Attorney Larry Frierson, often noted the strength of our CBA in the last round of negotiations, and clearly former CoM president Fran White

was out to break our strength by trying to undo it.

Other Union personnel will change too: As mentioned above, Ira will become Grievance Officer, and Arthur Lutz will take over as Editor of the Union Press, two positions I have held, appreciatively, for years. A complete list of UPM Committees and Staff appears in this issue.

So who will become the face of our Union now that Ira is stepping down? Who will act as our sentry at Board meetings and speak out for Union rights, for our rights and working conditions? Who will answer unit members' calls and emails and give timely and informed responses? Who will write memos and press releases and be available for interviews with news agencies or with other colleges? Who will speak with Board members and potential Board candidates? Who will lead our general membership meetings, as well as the weekly UPM Executive Council meeting? And who will spend hours on the phone or in person with attorneys when UPM needs legal advice? Who will stand watch?

Months ago, the UPM Executive Council decided it would wait until a new Exec had been formed, and as of July 1, the new sentries standing watch will elect a new president. When we do, we'll inform you in the next Union Press. No one can ever replace Ira or Paul, their knowledge of our Union's history, their unwavering commitment. But we'll do our best to learn and to grow into sentries who will keep vigilant watch.

John Sutherland

CONNECTING THE DOTS

News and Opinion

By Arthur Lutz

Saving Our Ship

In 1939, ten miles seaward from the port of Montevideo, Uruguay in the estuary of the River Plate, a German battleship sank in thirty-six feet of water.

The ship was the *Graf Spee*, one of Germany's most powerful warships. In the early days of WWII it had destroyed numerous British merchantmen and had inflicted severe damage on many British warships.

Its demise, however, was not the result of a naval battle with superior forces. Rather, the *Graf Spee* was sunk by her own commander – scuttled to avoid what he believed was the prospect of imminent capture. Believing that six British cruisers were closing in to attack, Captain Langsdorff felt he had no choice but to destroy his own ship to avoid capture and the loss of ship-board secrets vital to the German war effort.

So on the afternoon of December 17th, after all the crew had safely abandoned ship, explosions wracked the *Graf Spee* and she sank beneath the waves, a victim of her own sabotage.

Three days later Captain Langsdorff was found dead, in full dress uniform, lying on his ship's battle ensign with a self-inflicted bullet wound to the head – the noble gesture of a captain going down with his ship.

All of which sounds like the stuff of which epic movies are made.

The true story of the demise of the *Graf Spee*, however, is a little more complicated and its captain's actions are a little less admirable. As it turns out, the British had snookered Captain Langsdorff by sending out false radio reports as to their strength. There was, in fact, only one British warship waiting to battle the *Graf Spee* in open water. Had Captain Langsdorff not been duped and demoralized by the spurious radio signals, the *Graf Spee* surely would have prevailed in battle.

The situation is not unlike that in today's labor movement. Despite its strength, labor is being snookered into believing that because of the anti-union legislation in Wisconsin and Michigan and recent Supreme Court decisions, it is powerless and should accept management-proposed austerity measures, and, like the *Graf Spee*, give up without a battle – accept the loss of collective bargaining and pensions and medical benefits, and settle for lower wages. It's a carefully orchestrated campaign organized by management to deceive and demoralize labor into abandoning and scuttling its own ship. And unfortunately, it seems to be working.

At the College of Marin we also are in a labor contest and we should also be resisting attempts to deceive and demoralize our faculty into scuttling the long and hard earned benefits and job protections that our union has won for our faculty over many years.

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At the May 15th Board of Trustees meeting, the District officially announced that at the upcoming contract re-openers they intend to **"explore"** health and welfare benefits to **"assure cost containment;"** and **"modify overload provisions;"** and **"clarify required duty hours and the faculty work year."** And the District will propose changes to wages with **"due consideration to current and projected economic provisions."**

One needn't have a PhD in semantics to realize that these innocuous sounding euphemisms really translate to **"take-backs."**

Fortunately, our UPM bargaining team is not as gullible or as easily intimidated as some in the labor movement. Nor is our team as easily snookered as Captain Langsdorff. We do not intend to abandon or scuttle our faculty Contract.

UPM COMMITTEES AND STAFF		2011-2012
<p>PRESIDENT To Be Named</p> <p>BARGAINING TEAM Paul Christensen, John Sutherland (Co-Chief Negotiators) Theo Fung, Arthur Lutz, Michele Martinisi, Patty O'Keefe, Laurie Ordin</p> <p>UPM-PAC Arthur Lutz, Laurie Ordin, Co-Chairs</p> <p>GRIEVANCE OFFICER Ira Lansing</p> <p>TREASURER Theo Fung</p> <p>BUDGET MONITOR Deborah Graham</p> <p>BAY 10 REPRESENTATIVE Katrina Wagner</p> <p>CCC REPRESENTATIVE Open</p>	<p>NORTH BAY LABOR COUNCIL REP Paul da Silva</p> <p>PROFESSIONAL AFFAIRS COMMITTEE Patty O'Keefe, Chris Schultz</p> <p>WORKLOAD COMMITTEE Carl Cox, Theo Fung</p> <p>HEALTH AND SAFETY COMMITTEE George Adams, Chris Schultz</p> <p>PROFESSIONAL STANDARDS COMMITTEE Bonnie Borenstein, George Adams</p> <div style="text-align: center;">  </div>	<p>SABBATICAL LEAVE COMMITTEE Michele Martinisi, Patty O'Keefe (Chair), George Adams</p> <p>CRA TRUST Sarah Brewster, Judy Coombes, Ed Essick (Chair), Ira Lansing, Laurie Ordin</p> <p>UPM EXECUTIVE COMMITTEE Bonnie Borenstein, Carl Cox, Theo Fung, Deborah Graham, Arthur Lutz, Michele Martinisi, Laurie Ordin, John Sutherland, open part-time position</p> <p>WEB MASTER Mike Ransom</p> <p>UNION PRESS EDITOR Arthur Lutz</p> <p>EXECUTIVE SECRETARY Teresa Capaldo</p> <p>PART-TIME REPRESENTATIVE Open</p>



Letters to the Editor
Feel free to voice your comments and/or opinions concerning any Union related article or issue. Please direct your letters to john.sutherland@marin.edu

UPM Membership Application

I hereby apply for membership in the United Professors of Marin, AFT Local 1610

Date: _____ Email: _____

Name _____ SS #: _____

Address: _____ Department: _____

City: _____ Zip: _____

Home Phone: _____ Campus Ext.: _____

Check the appropriate category:

I am a permanent credit or non-credit employee or leave replacement.

I am a temporary non-credit employee on the quarter system.

I am a temporary credit or non-credit employee on the semester system.

Return to UPM Kentfield campus mailbox or UPM Office, Science Center 136

United Professors of Marin UPM-PAC Payroll Deduction Form

The UPM-PAC (Political Action Committee) provides financial support to candidates and measures that support or benefit education in Marin County and the College of Marin in particular. If you would like to support the UPM-PAC with a monthly contribution, small or large, please fill out the form below and send it to the Payroll Office.

To: Payroll, College of Marin

Date: _____

I hereby authorize the Marin Community College to deduct from my earnings the sum of _____ beginning in the month of _____, _____ (year), and each month thereafter, and to remit this sum to the United Professors of Marin PAC #990958 until I revoke this authorization in writing.

Signature: _____

Print Name: _____

Address: _____

City: _____

Zip: _____

SSN: _____

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