



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**April 19, 2004**

### **CALL TO ORDER AND ROLL CALL**

President Paul Fong declared a quorum was present and called the meeting to order at 5:25 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

Paul Fong, President  
Andrea Leiderman, Vice President  
Betsy Bechtel  
Sandy Hay  
Hal Plotkin

#### **for Public Session**

Adam Welch, De Anza College Student Trustee  
Sarah Wiehe, Foothill College Student Trustee

### **CLOSED SESSION**

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

#### **PUBLIC EMPLOYMENT**

Position Title: President, De Anza College

#### **Executive Administrator Present:**

Martha Kanter, Chancellor

#### **Others Present:**

Del Anderson, Search Consultant

The Board continued the closed session with the individuals listed below to discuss:

#### **CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

#### **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE**

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position Title: Chancellor

#### **Executive Administrators Present:**

Martha Kanter, Chancellor

Mike Brandy, Vice Chancellor of Business Services

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity

Bernadine Chuck Fong, President of Foothill College

Judy Miner, Interim President of De Anza College

## **RE-CONVENE PUBLIC SESSION**

President Fong re-convened the public session at 7:05 p.m. in the District Board Room. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Bob Barr	Kurt Hueg	Larry Rouse
	Silvia Bichler	Barbara Illowsky	Javier Rueda
	Caron Blinick	Martha Kanter	John Schulze
	Mike Brandy	Marsha Kelly	Paul Setziol
	Jane Enright	Judy Miner	Daphne Small
	Bernadine Chuck Fong	Dan Mitchell	Marisa Spatafore
	Robert Griffin	Jon O’Bergh	Paul Starer
	Rich Hansen	Greg Parman	Lauren Velasco
	Jeanine Hawk	Willie Pritchard	Karl von Ahnen
	Ken Horowitz	Carmen Redmond	Claudette Weber
<i>Press:</i>	Clyde Noel, <i>Los Altos Town Crier</i>		
<i>Students:</i>	Javad Aghamiri	Adriana Dominguez	Monique Leung
	Miguel Baptista	Jeffrey Ellis	Yoshie Nijima
	Rodrigo Baptista	Nadine Foster	Kotaro Shimada
	Carlos Benito	Jasmine Herrera	Rodolfo Vazquez
	Savio Carrijo	Eric Hoeschen	Marc Wiesner
	Chris Custer	Jason Kirmil	Saba Zariv
<i>Public:</i>	Tami Adam	Peter LaBoskey	Carl Poole, Jr.
	Paul Hoeschen	Michael Michaellean	Terry Terman
	Raj Jesudason	Betsy Nikolchev	Robert Whalen
	Jim Klingensmith	Brian Pelton	Kristy Wiehe
	Steve Krow-Lucal	Stephen Pond	

## **REPORTING OUT FROM CLOSED SESSION**

President Fong reported that no action was taken in closed session.

## **APPROVAL OF MINUTES**

The minutes of the April 5, 2004 meeting were approved as drafted.

## **CORRESPONDENCE**

President Fong asked if there was any correspondence which should be brought to the Board’s attention. There was none.

## **PUBLIC HEARING**

President Fong opened the public hearing so members of the public could comment on:

- Changes to the *Agreement* between the District and the California School Employees Association (CSEA), Chapter 96, Unit A for 2003-04 and 2004-05;
- Changes to the *Agreement* between the District and the Faculty Association for 2003-04 and 2004-05;
- Changes to the *Agreement* between the District and Local 715 Service Employees International Union for Unit 1 for 2003-04 and 2004-05.

Foothill Instructor Ken Horowitz expressed his disappointment concerning changes to the Faculty Association *Agreement*. No one else wished to address the Board, so President Fong closed the public hearing.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Trustees*

President Fong reported that he attended the California Community College Trustees Board meeting. Student Trustee Welch commented on student scholarships. Trustee Leiderman reported that she attended a breakfast at which State Assembly candidate Steve Poizner spoke.

### *Staff*

Chancellor Martha Kanter provided an update concerning the De Anza presidential search and announced that she would be attending a legislative advocacy meeting sponsored by Silicon Valley Manufacturing Group. Foothill President Bernadine Chuck Fong distributed information on the “Pass the Torch” program. De Anza Interim President Judy Miner distributed a new college publication, *The Carson Journal of Environmental Studies*. Executive Director of Facilities, Operations and Construction Management John Schulze reported that the District received the final funds for the photovoltaic project and could move forward with the project. Foothill Academic Senate President Paul Starer reported on the Statewide Academic Senate meeting. Foothill Instructor Larry Rouse spoke about litigation management and urged the Board to preserve the Griffin House.

### *Students / Public*

Community member Robert Whalen read a statement supporting Foothill part-time instructor Vava Marques and questioned the basis for the college’s decision to replace Mr. Marques with another soccer coach. He requested that the Board remove letters of reprimand from Mr. Marques’ personnel file, reinstate Mr. Marques as head coach, and determine a way to restore Mr. Marques’ reputation. Mike Michaellean, who initiated the Kevin O’Donnell Memorial Scholarship Fund, expressed disappointment with how the Foundation has handled his endowment and how the college has handled the situation with Mr. Marques. Foothill students Miguel Baptista, Savio Carrijo, Jason Kirmil, Adriana Dominguez, Carlos Benito, and former student Rodrigo Baptista provided their perspectives concerning an incident at a soccer game and expressed support for Mr. Marques. Community members Paul Hoeschen, Brian Pelton and Tami Adam expressed concerns about due process and urged that Mr. Marques be reinstated as head coach.

President Fong provided the following statement in response:

- The Board appreciates the community members’ input and interest, but those interests delve into a personnel issue of a single individual and that is not a matter for public discussion;
- The Commission on Athletics and Coast Conference are the governing body of community college athletics and the District abides by their findings and decision;
- The District has the right of assignment of a faculty member based on the best interests of the District and the college, and the college has acted accordingly;

- Vava Marques is entitled to due process through the grievance process of his collective bargaining unit and the Board understands from the recent Los Altos *Town Crier* article that he is pursuing that avenue.

Raj Jesudason addressed the results of the diversity climate survey and raised questions about the climate in relation to her evaluation process when she was employed by the District.

## **APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Bechtel/Wiehe  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-3 of the Consent Calendar as follows:

### **Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

### **Item 2** — **Approved** PERSONNEL ACTIONS:

*Name:* **Carl Brown**  
*Position:* Director, High Tech Center Training Unit (HTCTU)  
*College:* De Anza  
*Division:* Special Education  
*Action:* **Employment Contract**  
*Effective Date:* July 1, 2004 to June 30, 2005  
*Comments:* Grant Funded Administrator

*Name:* **Janice Carr**  
*Position:* Instructor  
*College:* Foothill  
*Division:* Physical Sciences, Math, and Engineering  
*Action:* Reduction in Contract to 77.78%  
*Effective Date:* **Correction: September 16, 2004**  
*Comments:* Correction to Board action taken April 5, 2004 regarding effective date

*Name:* **Paul Chesler**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Child Development and Education  
*Action:* Reduction in Contract to 75%  
*Effective Date:* **Correction: September 16, 2004**  
*Comments:* Correction to Board action taken April 5, 2004 regarding effective date

*Name:* **Behrouz Forouzan**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Business/CIS  
*Action:* **Reduction in Contract to 67%**  
*Effective Date:* 5 years beginning September 16, 2004  
*Comments:* In accordance with Article 18, Reduced Workload Program of the *Agreement* between the District and the Faculty Association.  
Correction to Board action taken April 5, 2004

*Name:* **Valerie Sermon**  
*Position:* Director, NASA/Ames Internship Training Program  
*College:* Foothill  
*Division:* Instruction and Institutional Research  
*Action:* **Employment Contract**  
*Effective Date:* July 1, 2004 to June 30, 2005  
*Comments:* Grant Funded Administrator

*Name:* **Jaci Ward**  
*Position:* Dean, Distance and Extended Learning  
*College:* De Anza  
*Division:* Student Services and Institutional Research  
*Action:* **Resignation**  
*Effective Date:* June 30, 2004

### **Item 3** — **Approved HUMAN RESOURCES REPORT**

### **Item 4**

#### **PLUS/MINUS GRADING – REVISED BOARD POLICY 6125, “GRADING”**

ASFC President Rodolfo Vazquez, DASB President Saba Zariv, and students Chris Custer, Jeffrey Ellis, Nadine Foster and Marc Wiesner expressed opposition to the policy and advocated that the Board wait for results of the survey before deciding on full implementation. Former student Kristy Wiehe and West Valley student trustee and CalSACC representative Carl Poole also expressed opposition.

Student Trustee Wiehe proposed a compromise to eliminate the 3.7 (A-) grade in order to allay concerns about how the absence of an A+ grade discriminates against A students. She also suggested that the District advocate for the adoption of plus/minus grading among Bay 10 community colleges and, eventually, community colleges statewide. Trustee Bechtel noted that the District is restricted by the Board of Governors to institute one particular grading scale that includes the A- but excludes the A+. She proposed that the action under consideration be amended to include a concern about adverse consequences for students. Student Trustee Welch made a motion to amend the action to state “Full implementation will follow the partial implementation as scheduled unless substantial adverse consequences to students is demonstrated.”

Trustee Hay spoke about the importance of primary reliance on the Academic Senates and said he would support the amended action. Trustee Leiderman expressed her preference that the action include the intent to advocate at the state level for a grading scale that incorporates A+ and advocate that other community colleges statewide adopt plus/minus grading. De Anza Academic Senate

President Dan Mitchell spoke about aspects of the grading scale and noted that the Board is being asked to support the policy as long as the survey supports what the Academic Senates have reported, which is that changing to plus/minus grading will have a negligible impact on students. De Anza Instructor Barbara Illowsky spoke in favor of the policy, as did President Fong. With Student Trustee Welch’s approval, Trustee Plotkin further amended the motion to replace “consequences to” with “impact on.”

- M/S/C:** Welch/Plotkin
- Advisory vote:** 1 yes (Welch), 1 no (Wiehe)
- Board vote:** 4 yes – Leiderman voted no
- Action:** Approved revised Policy 6125, “Grading,” with the following stipulations:
  - Starting with the fall term of the 2006-07 academic year, the grade scale will include plus and minus symbols. Grade points will be calculated as described in the Grade Scale table.
  - A period of partial implementation will begin with the fall term of the 2004-05 academic year and continue through the 2005-06 academic year. During this period the grade scale will include the plus and minus symbols, and faculty members will be able to record course grades using the plus and minus symbols. However, only the base letter grades will be used to calculate the grade points until the scheduled full implementation in the fall 2006 term.
  - The period of partial implementation is intended to provide time to educate faculty members and students about plus/minus grading and to study the effects of adoption. Full implementation will follow the partial implementation as scheduled unless substantial adverse impact on students is demonstrated.
  - Grade Scale:
 

A+ 4.0	B+ 3.3	C+ 2.3	D+ 1.3	F 0.0
A 4.0	B 3.0	C 2.0	D 1.0	
A- 3.7	B- 2.7		D- 0.7	

## **Item 5**

### BOARD COMMITTEES

The Board’s consensus was to postpone this item to a future meeting.

At 10:30 p.m., President Fong announced a five-minute recess, and then reconvened the meeting at 10:35.

## **Item 6**

### RE-ADOPTION OF BOARD POLICY 9110.1 – NUMBER OF STUDENT TRUSTEES; TERM OF OFFICE; RIGHTS

District Academic Senate Paul Setziol proposed some minor grammatical changes in the policy. Student Trustee Welch suggested that “elected trustee” be clarified to read “publicly elected trustee.” Foothill student Chris Custer raised a concern that the administrative procedures were inconsistent with the Education Code, but Chancellor Martha Kanter reported that, according to legal counsel, non-resident students (including international students) are prohibited from serving as student trustees. Student Trustee Wiehe asked that the District investigate how best to advocate for a change in the Education Code. She also requested clarification concerning the requirement for enrollment in

eight quarter units, and Chancellor Martha Kanter offered to research the issue. Changes to the policy will be brought back to the Board for approval at the next meeting.

### **Item 7**

#### AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 934, PURCHASE OF STAR PROJECTOR

President Fong questioned the large variance in price, and Director of Purchasing and Material Services Carmen Redmond provided an explanation. Student Trustee Wiehe asked De Anza staff member Karl von Ahnen if the projector were the best available, and he responded in the affirmative. De Anza Dean of Community Education and Older Adult Studies Caron Blinick explained that funding would be covered by proceeds from community education fee-based courses. Trustee Leiderman asked about the rebate for allowing demonstrations, and Ms. Redmond explained that the company has agreed that any equipment demonstration will not interfere with the academic mission.

**M/S/C:** Bechtel/Wiehe

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Authorized the District Purchasing Director to:

- Award a contract for the Star Projector system including the Elevator Lift to the lowest responsive bidder, Konica Minolta Photo Imaging, U.S.A., Inc. for a total of \$1,011,967 plus all applicable sales taxes, not to exceed \$1,085,400;
- Issue additional purchase orders not to exceed a total of \$200,000 for optional Bid #934 items, upon request by De Anza College, provided that funds are available.

### **Item 8**

#### MEASURE E CONSENT CALENDAR

**M/S/C:** Hay/Leiderman

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved / Ratified the Measure E Consent Calendar, A-H as follows:

- A.** *Title:* Contractor's Change Order #2  
*Vendor:* Zovich Construction, Inc.  
*Agreement Date:* September 18, 2003  
*Campus:* Foothill College  
*Project No.:* 119  
*Project Name:* Fine Arts Phase II  
*Amount:* \$17,768  
*For:* Install additional electrical panel to accommodate existing load and LCS writing board.  
*Action:* Ratification

- B.** *Title:* Addendum #F-43  
*Vendor:* Cleary Consultants  
*Agreement Date:* July 18, 2000  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Loop Road Realignment, Parking Lots 1 & 7  
*Amount:* \$13,300  
*For:* Soil engineering observation and testing  
*Action:* Approval
- C.** *Title:* Revision #1 to Purchase Order M453737  
*Vendor:* Sandis Humber Jones  
*Agreement Date:* February 2, 2004  
*Campus:* Foothill College  
*Project No.:* 132  
*Project Name:* Landscape  
*Amount:* \$1,500  
*For:* Independent fire hydrant flow test  
*Action:* Ratification
- D.** *Title:* Change Order #2  
*Vendor:* Hensel Phelps  
*Agreement Date:* November 25, 2003  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Student and Community Services  
*Amount:* \$25,483  
*For:* Underground utilities and site work changes  
*Action:* Ratification
- E.** *Title:* Change Order #1  
*Vendor:* California Plus Engineering, Inc.  
*Agreement Date:* January 6, 2004  
*Campus:* De Anza College  
*Project No.:* 267  
*Project Name:* A-Quad Modernization Phase II  
*Amount:* \$3,090  
*For:* Replacement of lamp sockets at 51 linear light fixtures in Building A3  
*Action:* Ratification
- F.** Approved Budget Transfer #31 – Transfer of Bid Savings from Student Community Services Building to Program Contingency – in the amount of \$415,000.
- G.** Approved Foothill Budget Transfer #FH-24 to Reflect an Increase in the Funding Sources for the Measure E Program as follows:

Contingency Board approved as of 1/20/04	\$7,687,609	(6.7% of all open projects)
Funding Source Deletion	(\$300,000)	Proj. Bookstore Income
Proposition 55 Funding Addition	<u>\$7,937,000</u>	
Revised Contingency due to Funding changes	\$15,324,609	
Sub-Total Transfers from Contingency to Projects	(\$8,260,682)	
Total Revised Contingency 4/19/04	\$7,063,927	(5.8% of all open projects)

- H. Approved Budget Transfer #DIST-04/19/04-01 from Project #407 (Mechanics Shop) to Project #404 (Plant Services Addition) in the amount of \$94,114.

## **Items 9-17 – Measure E Projects**

Trustee Bechtel proposed that the Measure E Projects be approved as a group. Responding to a question from Trustee Plotkin, Executive Director of Facilities, Operations and Construction Management John Schulze and Director of Purchasing and Material Services Carmen Redmond reported that there were no items that involved special or unusual circumstances. Items 10 and 17 were removed for discussion.

**M/S/C:** Bechtel/Welch

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved / Ratified Item 9 and Items 11-16 as follows:

**Item 9** — **Authorized** the District Purchasing Director to award a contract for the Base Bid in the amount of \$1,906,293 to the lowest responsive bidder, Interstate Grading & Paving, Inc., pursuant to Bid 943-134, Loop Road Realignment, Parking Lots 1 and 7, Foothill College.

**Item 11** — **Approved** proceeding with the pre-qualification process for Foothill Project #120 (Stadium Renovations) and De Anza Project #234 (Athletic Fields).

**Item 12** — • **Approved** the following list of seven general contractors who met all of the pre-qualification requirements as the only contractors who are pre-qualified to bid as prime contractors on the Lower Campus Complex project and Campus Center project at Foothill College:

Amoroso Construction  
 Clark Construction  
 Hensel Phelps Construction Co.  
 McCarthy Building Companies  
 Swinerton Builders  
 Thompson Pacific Construction Co.  
 Turner Construction

- **Determined** that Turnkey, Inc. is not pre-qualified as a prime contractor for these projects

**Item 13** — **Approved** Project Assignment Amendment #27, Revision #1 to the agreement with Perkins & Will Architects in an amount not to exceed \$31,875 for Foothill Project #152, Lower Campus Complex.

**Item 14** — **Approved** the agreement with Larry Montgomery Inspection Services as a general construction inspector for an amount not to exceed \$130,000.

**Item 15** — **Approved** Project Assignment Amendment #D01 to the agreement with DES Architects + Engineers, Inc. in the amount of \$135,700 for De Anza Project #217, Forum Modernization.

**Item 16** — **Approved** Project Assignment Amendment #D01 to the agreement with Salas O'Brien Engineers, Inc. in the amount of \$167,760 for District Project #274, S2 and S6 Condenser Plant Consolidation.

### **Item 10**

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 949-163, CAMPUS CENTER SWING SPACE, FOOTHILL COLLEGE

Responding to a question from Trustee Hay, Construction Program Manager Claudette Weber explained that the overall project budget is \$493,000, which includes a number of project activities, and there is adequate funding to cover the contract.

**M/S/C:** Hay/Plotkin

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:**

- Accepted the bid protest filed by T. E. Schmidt & Sons, Inc. as valid;
- Rejected the bid from Casey Construction as non-responsive;
- Authorized the District Purchasing Director to award a contract for the Base Bid in the amount of \$246,267 to the lowest responsive bidder, T. E. Schmidt & Sons, Inc., pursuant to Bid 949-163, Campus Center Swing Space, Foothill College.

### **Item 17**

CHANGE ORDER #1, HENSEL PHELPS, TO PROVIDE TEMPORARY ACCESS ROAD ADJACENT TO NEW STUDENT COMMUNITY SERVICES BUILDING, DE ANZA

Responding to a question from Trustee Leiderman about the inadvertent omission which resulted in the change order, Executive Director of Facilities, Operations and Construction Management John Schulze explained that the plans were drawn correctly but it was later determined that they actually were not constructible. He also confirmed for Student Trustee Welch that the access road has been completed. Student Trustee Welch and Trustee Bechtel expressed concern about the lack of lighting in that area, and Mr. Schulze agreed to take care of the matter.

**M/S/C:** Bechtel/Plotkin

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved Change Order #1, Hensel Phelps, in the amount of \$98,098

Trustee Leiderman disclosed that she is employed by Kaiser Permanente but has no financial interest that affects her ability to vote on proposed changes to the medical benefits in Items 18-21. Vice Chancellor of Human Resources and Equal Opportunity Jane Enright acknowledged the hard work of the negotiating teams involved in reaching the compromise concerning benefits. Foothill Instructor Ken Horowitz expressed disappointment that the changes, from his perspective, do not address long-term structural issues. Trustee Plotkin commended all for their collegial work to reach these agreements. SEIU Chapter Chair Javier Rueda thanked Vice Chancellor Enright and the negotiating team for the ability to work collegially and reach agreement.

## **Item 18**

APPROVE *AGREEMENT* WITH ADMINISTRATIVE MANAGEMENT ASSOCIATION FOR 2003-04 AND 2004-05

**M/S/C:** Bechtel/Plotkin

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:**

- Approved changes to the health benefit plans as noted in Attachment A;
- Suspended funding (\$10,000) for Training/Retraining Stipends for 2004-05 only;
- Suspending funding (\$35,000) for the annual Exemplary Achievement Award for 2004-05;
- During 2004-05, each administrator will have five donation or unpaid furlough days;
- Effective in 2004-05, the District shall provide one additional paid holiday in honor of Cesar Chavez to be taken annually on the Friday before Labor Day, at an estimated cost of \$28,000.

## **Item 19**

APPROVE *AGREEMENT* BETWEEN DISTRICT AND CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), CHAPTER 96, UNIT A FOR 2003-04 AND 2004-05

**M/S/C:** Plotkin/Leiderman

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:**

- Approved changes to the health benefit plans as noted in Attachment A;
- Suspended District contributions to the Educational Assistance Fund for 2004-05 and agreed that all funds remaining from 2003-04 shall be rolled forward and be available to employees in 2004-05;
- During 2004-05 only, each bargaining unit member will have five donation or unpaid furlough days in accordance with the following terms:
  - By July 1, 2004 each employee shall either:
    - a) designate on a form provided by the District, the days to be taken as unpaid leave\*;
    - or
    - b) sign an authorization to donate a specific number of days (up to 5) of pay (days will be worked) to District\*\*;
    - or
    - c) designate a combination of a and b to total 5 days.
  - Each employee will stipulate whether:
    - a) the unpaid leave will be deducted from pay during the month during which the leave is taken or annualized and taken as a monthly reduction; or
    - b) the donation shall be taken out of one pay check or annualized and taken as a monthly donation to the District.
  - Days will be scheduled according to the procedure in Section 7.5 of the Agreement.
  - \*Furloughs will not affect seniority
  - \*\*Donations may be claimed as write-off on taxes; no impact on base pay
- For 2004-05 only, the District will add two additional paid holidays, December 28, 2004 and December 29, 2004;
- In recognition of the work and good faith effort put forth by CSEA in coming to this agreement, agreed that, if the District must make future reductions for 2004-05 because of budget shortfalls, the District will take no unilateral action affecting CSEA without prior consultation and negotiations.

## **Item 20**

APPROVE *AGREEMENT* BETWEEN THE DISTRICT AND FACULTY ASSOCIATION FOR 2003-04 AND 2004-05

**M/S/C:** Welch/Wiehe

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:**

- Approved Memorandum of Understanding regarding Article 17, Professional Development Leaves and Article 36, Professional Conference Fund;
- Approved Memorandum of Understanding regarding Articles 22 and 23, Paid Benefits;
- Approved Memorandum of Understanding regarding a Retirement Incentive Plan (Article 7, Part-Time Faculty, Article 18, Reduced Workload Program, Article 19 Retirement Incentive Program, Article 20, Early Notice Incentive, Article 21, Post-Retirement Employment and Article 30, Resignation (contingent upon the agreement of the Academic Senates, in accordance with Section 53309(b) of Title 5, to delay filling faculty positions that become vacant as a result of this Incentive Plan until Fall 2005);
- No COLA or other salary enhancements for 2003-04;
- Article 24 remains open for 2004-05.

## **Item 21**

APPROVE *AGREEMENT* BETWEEN THE DISTRICT AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 715, UNIT 1 FOR 2003-04 AND 2004-05

**M/S/C:** Wiehe/Hay

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:**

- Approved changes to the health benefit plans as noted in Attachment A;
- Suspended Staff Development Leaves as described in Article 10.13 for 2004-05 only, and agreed that those workers who applied for and were approved for leaves in 2004-05 shall have priority for leaves in 2005-06, and agreed further that the District will provide funding for up to 12 Staff Development Leaves in 2005-06;
- Suspended District contributions to the Educational Assistance Fund for 2004-05 and agreed that all funds remaining from 2003-04 (including those in excess of \$10,000) shall be rolled forward and be available to workers in 2004-05;
- No COLA or other salary enhancements for 2003-04;
- Agreed to reopen the issue of salary at the request of either party for 2004-05;
- Agreed to specified additions and changes to the *Agreement*;

## **DATES TO REMEMBER**

May 3, 2004 — Regular Meeting

May 17, 2004 — Audit and Finance Committee Meeting

May 17, 2004 — Regular Meeting

Faculty Association President Rich Hansen thanked the Board for approving the agreements and commented on the new room layout.

**ADJOURNMENT**

President Fong adjourned the meeting at 11:20 p.m.

jco

Approved: 5/3/04

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees

## ATTACHMENT A

### HEALTH BENEFITS

In order to stem the rising costs of healthcare benefits (estimated at \$2.7 million in fiscal year 2004-05 if no change is made) from taking an increasing amount of resources that could otherwise be used for salary adjustments and maintaining and adding classified positions, the following changes will be made to the health benefit plans:

Kaiser — No change to plan. Remains fully paid by the District for employees and dependents.

New Plan — District Network Only Plan (PPO) — Fully paid by the District for employees and dependents.

Plan Design includes:

- Network Only: While the current District Plan covers 80% of the usual and customary (UCR) charge for out of network providers, the Network Only plan pays 100% for Network providers only. People who go out of the Network pay full cost with the following exceptions:
  - 1) Emergencies
  - 2) When there is no Network Provider in a 30-mile radius and the out of network care is pre-authorized by the plan.
  - 3) When there is no Network Provider who offers the prescribed care and the care is pre-authorized by the plan. In these cases, the Plan pays for 100% of the UCR cost. If an employee goes to a Network hospital for a procedure, all related care (anesthesia, lab work, radiology, etc) is considered part of the network and is covered.
- Deductibles — The plan has a \$150 annual deductible per covered individual with a maximum \$400 deductible per family. This means that an individual would have to pay for the first \$150 of care (up to \$400 per family). However, the deductible does not apply to office visits, x-ray and lab work performed as part of an office visit, urgent care, chiropractic visit, outpatient mental health visit, immunizations, allergy injections or prescription drugs. Deductibles are waived for adult routine physicals and well woman care (routine physical, pap smear, mammogram and associated lab work obtained outside of an office visit) which are paid at 100% of UCR for network providers up to a annual maximum benefit of \$300. Deductibles are waived for well baby care, which is paid at 100% of UCR for network providers.

Prescription Drug — There are three changes regarding prescription drugs:

- 1) Mandatory mail order after three fills of a prescription.
- 2) Co-Pay Increase – Over-the-counter co-pays will be \$5 for generic drugs and \$15 for name brands for a thirty-day supply. Mail order co-pays will be \$10 for generic and \$30 for name brand for a 90-day supply. There is still a discount for using mail order. The annual maximum mail order co-payment per individual will be \$500.00.
- 3) Step Therapy – For two types of drugs only:
  - Proton Pump Inhibitors (usually prescribed for acid reflux): Prior to receiving Prevacid, Prilosec, Nexium, Aciphex, Protonix or Omeprazole the member would have to have tried and failed two of the following: Zantac, Ranitidine, Tagamet, Cimetidine, Axid, Pepcid or Famotidine.
  - Cox 2 (usually prescribed for arthritis and inflammation): Prior to receiving Celebrex, Bextra or Vioxx, the member has to have failed two generic NSAIDS, be 60 years or older or be on a concurrent medication (oral chemo, steroids, coumadin or gastrointestinal products).

The doctor can override the Step Therapy if he/she believes it would compromise the patient's care.

Anyone currently receiving a prescription for one of these drugs will be allowed to continue to receive it.

No new drugs can be added to the Step Therapy without negotiations.

This program will be evaluated and renegotiated after a trial two-year period.

Hospital Admission Co-Pay — There will be a \$50 co-pay for admission to a hospital.

Chiropractic Care — Limited to 10 visits per year.

Accupuncture/Accupressure/Naturopathy — Not part of the Network. Up to 10 visits per year will be covered at 80% of UCR.

District Comprehensive Plan (PPO+) — Fully paid for employee only. Employee + 1 and employee + dependents pay the difference in the premium cost between the District Network Only Plan and the District Comprehensive Plan. For 2004-05 that cost will be \$77.12 per month for employee plus 1 and \$90.18 per month for employee plus family.

Healthcare Waiver Allowance — Two Year Trial Basis — The District will pay an allowance of \$150 per month (taxable income- separate from base salary) to any employee who waives medical coverage for themselves and dependents. The employee must show proof of coverage in another group medical plan. The employee may not re-enroll except during Open Enrollment or if the employee loses coverage in the group plan. Employees may still receive vision and dental coverage and get the allowance.

Vision and Dental Plans — No Change