

STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION
CASE NO. SM-2017-023

TALLAHASSEE COMMUNITY COLLEGE
BOARD OF TRUSTEES,

and

VOLUME 2

Pages 141 through 256

UNITED FACULTY OF FLORIDA.

PROCEEDINGS: IMPASSE HEARING

BEFORE: M. SCOTT MILINSKI,
SPECIAL MAGISTRATE

DATE: Wednesday, February 28, 2018

TIME: Commencing at 10:10 a.m.
Concluding at 6:15 p.m.

PLACE: Tallahassee Community College
Hinson Administration Building
1st Floor Eagle's Conference Room

REPORTED BY: LAURA MOUNTAIN,
Court Reporter
Notary Public in and for
the State of Florida at
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APPEARING ON BEHALF OF TALLAHASSEE COMMUNITY COLLEGE:

JAMES C. CROSLAND, ESQUIRE

and

DENISE M. HEEKIN, ESQUIRE

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APPEARING ON BEHALF OF UNITED FACULTY OF FLORIDA:

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and

MARTIN BALINSKY, FACULTY REPRESENTATIVE

* * *

I N D E X

1	WITNESSES:	PAGE:
2		
3	FELEECIA MOORE-DAVIS	
4	Cross Examination by Mr. Wazlavek	116
5	MARTIN BALINSKY	
6	Direct Examination by Mr. Wazlavek	185
7	JEN ROBINSON	
8	Direct Examination by Mr. Wazlavek	202
9	Cross Examination by Mr. Crosland	208
10	BRENDA REID	
11	Direct Examination by Mr. Wazlavek	214
12	BOB LUTZ	
13	Direct Examination by Mr. Wazlavek	230
14	Cross Examination by Mr. Crosland	234
15	PATRICK McDERMOTT	
16	Direct Examination by Mr. Wazlavek	243
17	BRENDA REID	
18	Direct Examination by Mr. Wazlavek	249
19	MARTIN BALINSKY	
20	Direct Examination by Mr. Wazlavek	251
21	Cross Examination by Mr. Crosland	253
22	EXHIBITS:	
23	TCC Composite Exhibit No. 15 for identification	144
24	UFF Exhibit No. 4 for identification	187
25	UFF Exhibit No. 5 for identification	190
	UFF Exhibit No. 6 for identification	196

1 opposed to that, the union proposal is that no continuing
2 contract faculty member shall be terminated until all
3 full-time faculty members on annual contract are laid off and
4 faculty -- there's a very specific ranking system. And I'm
5 referring to 3.B, on the second page of their proposal.
6 Faculty rank, years in rank, years at the college as
7 full-time faculty within the unit, and highest in-field
8 degree credential. Looking at --

9 SPECIAL MAGISTRATE: Go through that again, 28 --

10 MR. CROSLAND: The union proposal.

11 SPECIAL MAGISTRATE: I'm on the union.

12 MR. CROSLAND: 3.B.

13 SPECIAL MAGISTRATE: 3.A, B -- okay, there it is.

14 BY MR. CROSLAND:

15 Q The second page. Okay, Doctor, based on your
16 experience in this field at the other institutions you've
17 described, and now that you've been here, would you tell the
18 Magistrate why you believe that the criteria listed in our
19 proposal, the college proposal, in number one, is the best
20 method of determining a reduction in employee compliment if
21 it became necessary?

22 A I think the goal of every institution is to retain
23 its best faculty, and that really is the bottom line.
24 Regardless of status, you want to retain your best faculty.

25 Q Has it been your experience that faculty who have

1 been at an institution longer than others or the longest are
2 necessarily the best qualified faculty?

3 A There is not a direct correlation. For example,
4 we might take -- let's take Tom and Martin. Martin teaches
5 oceanography. Let's say Tom has been teaching it 15 years.
6 I just hired Martin, but Martin is doing an awesome job, and
7 why wouldn't I just have the ability to retain Martin because
8 he has shown that he is doing a better job?

9 So as an institution, I think for our students and
10 for the future of the institution, you always want to retain
11 your best faculty.

12 MR. CROSLAND: That was planned just with you in
13 mind.

14 MR. BALINSKY: I know, that was great.

15 MS. HEEKIN: There are just a couple of
16 outstanding items.

17 SPECIAL MAGISTRATE: Are we done with 28?

18 MS. HEEKIN: We're done with 28.

19 SPECIAL MAGISTRATE: May I ask a question?

20 MS. HEEKIN: Sure.

21 SPECIAL MAGISTRATE: What does your contract
22 require with respect to -- I haven't read it all, so --
23 and I don't know how many -- are all the faculty
24 instructors one classification? I mean --

25 MR. WAZLAVEK: There's Assistant Associate

1 Professor, and then I think there's Instructor, right?
2 Or you hire -- yeah, there's Instructor, Assistant
3 Professor, Associate Professor and full Professor.

4 MR. CROSLAND: Is that what you meant by rank?

5 SPECIAL MAGISTRATE: I'm just trying to get a feel
6 for how you would do a reduction or lay-off. I'll put
7 it in common terms. How you would handle a lay-off. I
8 don't want to go through here very quickly without --
9 does it have that in here, or you do it by the --

10 MR. CROSLAND: These are both proposals.

11 SPECIAL MAGISTRATE: Yeah.

12 MS. HEEKIN: Well, I think you could -- there
13 could be an elimination in a department, there could be
14 a reduction of a program, there could be --

15 SPECIAL MAGISTRATE: Yeah, that's true. Okay,
16 it's not just lay-offs. It could be a lot of reasons.

17 THE WITNESS: So I think it could be -- yeah,
18 there could be a lot of iterations of that. And I think
19 certainly -- I believe it's in Article 11 -- where is
20 Article 11? It's College 6. Do you have a copy of
21 that?

22 SPECIAL MAGISTRATE: Okay, that helps me a little
23 bit trying to understand this.

24 MS. HEEKIN: Yeah, so in --

25 SPECIAL MAGISTRATE: Anything you're going to do

1 will be -- revolve around the elimination of a class,
2 something like that --

3 MS. HEEKIN: Or a program or --

4 SPECIAL MAGISTRATE: A program.

5 MR. CROSLAND: I think more commonly a program.

6 SPECIAL MAGISTRATE: Program.

7 MS. HEEKIN: So if you look at Article 11 -- and
8 the parties have agreed to this language. So it's
9 College 6. College 6, Article 11.

10 SPECIAL MAGISTRATE: Oh, College 6. We don't have
11 a College 6.

12 MS. HEEKIN: Do you need another one?

13 MR. WAZLAVEK: We don't, either.

14 SPECIAL MAGISTRATE: Huh?

15 MR. WAZLAVEK: I don't have a College 6.

16 MS. HEEKIN: Yeah, we put that in.

17 SPECIAL MAGISTRATE: I'm sure there is one.

18 MS. HEEKIN: Hold on.

19 SPECIAL MAGISTRATE: Article 11.

20 MS. HEEKIN: Article 11, exactly.

21 SPECIAL MAGISTRATE: Maybe I've got it in these
22 paper clips.

23 MS. HEEKIN: That could happen.

24 MR. WAZLAVEK: So where are you pointing to?

25 MS. HEEKIN: So Article 11, for instance, if you

1 look at Section 6, it talks about dismissal of faculty
2 member due to consolidation, reduction, or elimination
3 of a program.

4 MR. WAZLAVEK: Right.

5 MS. HEEKIN: And it basically says it will be done
6 like we say in the reduction in force provision, so the
7 college has a right to make that decision. It's a
8 managerial right to decide whether we're going to lay
9 off, consolidate a program. We'll use the procedure
10 that's set forth in Article 28, and then that can be
11 grieved if they don't like how the procedure is used. I
12 mean, that's pretty standard.

13 MR. CROSLAND: So the fight is not over whether we
14 have a right to eliminate a program, for example; I
15 don't think they contest that. It's just what the
16 procedure and the criteria would be.

17 SPECIAL MAGISTRATE: The scenario comes up that
18 there's three classes in the same program. For one, we
19 want to go down to two. Who would that person be that
20 would be moved out; that's one scenario, right?

21 MR. CROSLAND: I guess you could go from three
22 classes to two without any impact.

23 MR. WAZLAVEK: But I get your point. I mean, if
24 the workload were reduced --

25 SPECIAL MAGISTRATE: I'm just trying to understand

1 the scenario where you would have risk.

2 MR. WAZLAVEK: Well, let's say you had five
3 English professors or English instructors and you did an
4 analysis and realized you could get by with four, that
5 you had enough empty classroom space. So you would say,
6 okay, which of those five go.

7 SPECIAL MAGISTRATE: Yeah, that's what I'm talking
8 about.

9 MR. WAZLAVEK: I understand. And obviously our
10 preference would be for a seniority mix --

11 SPECIAL MAGISTRATE: The least senior goes.

12 MR. WAZLAVEK: Right, let the junior folks go
13 first because the senior people have more invested.
14 And, plus, seniority is an objective number that
15 everybody understands, and it's hard to manipulate
16 seniority.

17 SPECIAL MAGISTRATE: Yeah, that happens at the end
18 of an academic year when this is going to happen, most
19 likely, or it could happen in the middle of the year
20 or --

21 MS. HEEKIN: I don't know, Doctor --

22 MR. WAZLAVEK: I would think it would probably be
23 at the end of an academic year, typically.

24 SPECIAL MAGISTRATE: For planning purposes they'd
25 say next year, yeah.

1 MR. WAZLAVEK: Right. They'd say next fall we're
2 eliminating one position in English.

3 SPECIAL MAGISTRATE: Okay. So there would be --
4 the next question is, if that fifth English professor is
5 the one who is RIF'ed, is there any -- are there any
6 issues about where they would go next or they're just
7 RIF'ed? I mean, they can't go teach geography, correct?

8 MR. WAZLAVEK: Right, but there's some provision
9 in our proposals for them to be offered a position
10 outside the unit.

11 SPECIAL MAGISTRATE: Okay.

12 MS. HEEKIN: Well, that's in our proposal, also,
13 is that if they're -- it's right before the employee
14 recall. So they could be placed into another vacancy if
15 they're equally qualified, and if they're qualified for
16 it.

17 SPECIAL MAGISTRATE: Okay. I'm still looking for
18 my 6. I don't know --

19 MS. HEEKIN: I'm sorry, this would be back in
20 Article 28. You still don't have a 6? I thought you
21 found it.

22 SPECIAL MAGISTRATE: No, I'll have to cover that
23 later where I put the 28. I had 28.

24 MS. HEEKIN: Here's another 6.

25 MR. CROSLAND: You don't have one, Tom?

1 MS. HEEKIN: That's Article 11.

2 MR. WAZLAVEK: I don't think I do, if you've got
3 one. I've not been able to find mine.

4 MS. HEEKIN: Okay, because I had six copies and
5 they're all gone now, so --

6 SPECIAL MAGISTRATE: I apologize. It's in here
7 somewhere, probably.

8 MS. HEEKIN: That's okay.

9 SPECIAL MAGISTRATE: If I find it, I'm giving this
10 back to you.

11 MS. HEEKIN: We will get another one, Tom.

12 THE WITNESS: This is 6? I don't know if it's
13 Exhibit 6 or --

14 SPECIAL MAGISTRATE: I've got, for my C-11, I only
15 have --

16 MS. HEEKIN: No, you might need that. Can
17 somebody go make a copy? We'll make a copy for you,
18 Tom.

19 SPECIAL MAGISTRATE: I only have the union's
20 proposal on C-11.

21 MR. WAZLAVEK: Well, just sign off on ours.

22 MS. HEEKIN: Pardon me?

23 SPECIAL MAGISTRATE: I only have union's proposal
24 on my C-11.

25 MS. HEEKIN: Right, C-11 is the UFF's Article 6.

1 Article 11 is College 6. Maybe we should just renumber
2 the entire --

3 SPECIAL MAGISTRATE: I put that -- I entitled that
4 College 6.

5 MS. HEEKIN: Right, College 6 is Article 11.

6 SPECIAL MAGISTRATE: College 6, I can't find
7 College --

8 MS. HEEKIN: Yeah, so I just handed that to you.

9 SPECIAL MAGISTRATE: I've got it listed. I don't
10 see it. It may be -- but it looks thick enough that it
11 wouldn't get put in with something else.

12 MS. HEEKIN: And College 6 is a composite. It's
13 got -- it has the college's proposal and it also has the
14 union's proposal attached to it.

15 MR. WAZLAVEK: I found mine. Miracles never
16 cease.

17 SPECIAL MAGISTRATE: Okay, start again with what
18 you were saying.

19 MS. HEEKIN: If I only could remember.

20 SPECIAL MAGISTRATE: You were just talking about
21 reductions and --

22 MS. HEEKIN: Correct. And I believe what I was
23 saying is that our proposal also provides that somebody
24 who is RIF'ed could possibly be placed someplace else --

25 SPECIAL MAGISTRATE: Yeah, could possibly go

1 someplace else.

2 MS. HEEKIN: -- if they're qualified for it.

3 SPECIAL MAGISTRATE: Okay, okay.

4 MR. WAZLAVEK: And I think -- well, our proposal
5 provides a two-year window period for recall.

6 MS. HEEKIN: And ours does, also, I believe, our
7 recalling, which is the same, Tom.

8 SPECIAL MAGISTRATE: Are you guys ready to sign
9 that off, then?

10 MR. WAZLAVEK: Yeah.

11 SPECIAL MAGISTRATE: Where are you apart on? Oh,
12 seniority.

13 MS. HEEKIN: Where we're apart on is the criteria
14 by which --

15 SPECIAL MAGISTRATE: Other than seniority --

16 MS. HEEKIN: How we're going to RIF people,
17 exactly, that's where we differ.

18 SPECIAL MAGISTRATE: Okay, got it. Thank you. I
19 was just trying to understand a little bit more of the
20 scenarios that this would happen under and how many
21 classes you had, classifications.

22 MR. CROSLAND: Where the rift in the RIF is?

23 SPECIAL MAGISTRATE: What?

24 MR. CROSLAND: It's just a joke. Where the rift
25 in the RIF is.

1 SPECIAL MAGISTRATE: So you've got a bargaining
2 unit that has how many classifications? I was going to
3 ask you that earlier.

4 MR. WAZLAVEK: Three.

5 SPECIAL MAGISTRATE: Wow, three classifications
6 only.

7 MS. HEEKIN: Now, Tom had mentioned earlier
8 there's these ranks, like Instructor, Professor, and
9 that deals with kind of your years here and your
10 educational level, and that's at Article 12. We've
11 agreed to that, so that's not at issue, but it's not a
12 promotional thing. You don't get more money with it,
13 it's just if you meet these criteria it's verified you
14 get the new rank is what they call it.

15 MR. WAZLAVEK: In terms of -- when you use the
16 word classifications, I think of the bargaining unit
17 classifications, and that's why I said there are three.
18 There's teaching faculty, librarians and counselors in
19 the unit. Three job categories.

20 SPECIAL MAGISTRATE: Okay, go ahead.

21 MS. HEEKIN: Are we finished with RIF, the Article
22 28?

23 SPECIAL MAGISTRATE: Yeah.

24 MS. HEEKIN: Okay. The last item is there are a
25 few stragglers in Article 9 that really I don't think we

1 need any testimony on, I'd just like to make a couple
2 comments on those. And Article 9 is the city's (sic)
3 10, correct.

4 SPECIAL MAGISTRATE: I do not have 10? Please
5 have 10.

6 MS. HEEKIN: I can get you another 10.

7 SPECIAL MAGISTRATE: Here we go. I've got it.

8 MS. HEEKIN: Okay, so 9.01.A.1 that deals with
9 contact hour, the only point we'd like to make on that
10 is the Florida Statutes -- 101.2.A.2 defines it as 50
11 minutes. So I don't know why there's 60 minutes in
12 there. I'm not sure about that.

13 The next point we'd like to make is the third
14 paragraph from the bottom --

15 SPECIAL MAGISTRATE: You're referring to -- this
16 is the union's proposal?

17 MS. HEEKIN: This is the union's proposal. I'm
18 just making a couple comments on some of the items we
19 didn't cover in the PowerPoint. So the third paragraph
20 from the bottom deals with a non-instructional duty day.
21 There's three places in this article that deal with
22 non-instructional duty days, and that's right there,
23 page 19, the paragraph I just referred you to, page 20,
24 the full paragraph from the bottom that starts out
25 "faculty have non-teaching duty days" and then if you go

1 back to page -- I believe 24 -- at 9.05, there's another
2 provision on non-teaching days. It's just redundant.
3 Additionally, in the city's (sic) Article 13, which is
4 city (sic) 8.

5 MR. WAZLAVEK: Did you say C-8?

6 MS. HEEKIN: City (sic) 8.

7 UNIDENTIFIED SPEAKER: Or college, either one.

8 MS. HEEKIN: Oh, I'm sorry, College 8 -- actually
9 I thought I said C-8 to begin with. College 8, the last
10 paragraph, this is our Article 13. The last paragraph
11 deals with non-teaching duty days --

12 SPECIAL MAGISTRATE: Of the article? Okay.

13 MS. HEEKIN: No, I'm sorry, the last paragraph on
14 the first page there deals with non-teaching duty days
15 and the union has agreed with that language. So our
16 position is we don't need it in there four times and
17 they've already agreed with the language in our Article
18 13, so --

19 SPECIAL MAGISTRATE: I guess the question here is
20 are we using two terms for the same thing or multiple
21 terms for the same thing.

22 MS. HEEKIN: Or three different scenarios for the
23 same thing. Or, actually, I think it's the same thing,
24 it's just written differently. But they've already
25 agreed to the language in ours, also, so maybe they can

1 point out what the difference is.

2 SPECIAL MAGISTRATE: It's a housekeeping issue how
3 you want to handle that.

4 MS. HEEKIN: It may very well be.

5 SPECIAL MAGISTRATE: It may be in dispute right
6 now, though, so if it is --

7 MS. HEEKIN: It might.

8 MR. CROSLAND: I think part of our issue is we're
9 not sure whether it is or not, because we've got three
10 versions.

11 MS. HEEKIN: Exactly, so just pointing that out.

12 SPECIAL MAGISTRATE: See, Tom, do those all mean
13 the same thing in your mind or --

14 MR. WAZLAVEK: Well, at first glance they seem to
15 be fairly similar, but also I know that, for instance in
16 Article 9, it's broken out between the three categories;
17 teaching faculty, librarians and counselors each have
18 their own section in the contract in that particular
19 article.

20 But I take the point that at least in three of the
21 four I see these sentences about non-teaching days and
22 leave, so, you know, we'll go back and look at that.

23 SPECIAL MAGISTRATE: Why don't we do this, why
24 don't you take a look at that tonight because you have
25 nothing else to do and see if that's an issue and raise

1 it.

2 MR. WAZLAVEK: Yeah, sure.

3 SPECIAL MAGISTRATE: I'm not putting you on the
4 spot now, but you don't want to do a contract
5 interpretation case three years from now --

6 MR. WAZLAVEK: No.

7 SPECIAL MAGISTRATE: -- and sweat that out.

8 MS. HEEKIN: Exactly. Another issue with Article
9 9, I'd just like to point out here, the second paragraph
10 from the bottom there's a sentence in here that says a
11 faculty member shall not be required to schedule over 40
12 hours per week without being appropriately compensated.
13 Now, it's very nonspecific --

14 SPECIAL MAGISTRATE: Which one are you on, now?
15 Did I put mine back?

16 MS. HEEKIN: I'm still on College 10, Article 9.

17 SPECIAL MAGISTRATE: Okay.

18 MS. HEEKIN: It's the second paragraph from the
19 bottom.

20 SPECIAL MAGISTRATE: Not required to schedule over
21 40 weeks -- 40 hours.

22 MS. HEEKIN: Right. It's very nonspecific.

23 They're professionals under the Fair Labor Standards
24 Act. They're not entitled to overtime under the Fair
25 Labor Standards Act. Certainly our wage article

1 provides for the regular pay, provides for pay for extra
2 teaching assignments, it provides for pay -- stipends if
3 they're program chairs or leads, so I'm not sure what
4 that sentence is supposed to mean.

5 MR. WAZLAVEK: It's supposed to mean just what it
6 states: If they work over 40 hours, they can get
7 compensated.

8 MS. HEEKIN: Okay.

9 MR. WAZLAVEK: There's nothing in the law that
10 says that a professional can't get compensated for over
11 40 hours, and appropriately compensated, I think we
12 would interpret it as being their hourly rate. Whatever
13 their hourly rate happens to be, that's what it is.

14 MS. HEEKIN: Okay.

15 MR. CROSLAND: Our response is our wage offer.

16 MS. HEEKIN: Exactly.

17 MR. CROSLAND: There are all sorts of wage
18 proposals.

19 MR. WAZLAVEK: That's fine.

20 MS. HEEKIN: Exactly.

21 SPECIAL MAGISTRATE: So we don't have a problem
22 with that language?

23 MS. HEEKIN: No, we reject their language and our
24 position is whatever is in our wage proposal is how they
25 should be paid.

1 SPECIAL MAGISTRATE: Well, the issue I have a
2 little bit here, Tom, and maybe you want to think about
3 it and you can talk about it when you have your
4 opportunity here in the hearing or in your brief's
5 position paper, is being appropriately compensated, for
6 me, as I look at that, leaves me wondering what could
7 that mean or what does it not mean.

8 Is that -- because everything I'm looking at looks
9 like class hours and, you know, that stuff. And I guess
10 class hours, three hours -- I don't know if it's always
11 three hours or it's less than three hours for pay
12 purposes, or what it is, but I'm not sure what
13 appropriately compensated is. It's a slippery -- it's
14 kind of a slippery place you can get into thinking about
15 situations we haven't even thought about yet.

16 MR. CROSLAND: We think we've addressed all the
17 pay issues. There's only one or two things at issue.
18 And --

19 SPECIAL MAGISTRATE: Just think about that. I'm
20 not trying to change your proposal or anything, I just
21 want to make sure, they're raising an issue there and I
22 may be asked to have to address it, and it's a little
23 bit difficult. As it's written, it's very, very
24 general. Hard to interpret, possibly.

25 MR. WAZLAVEK: Oh, I understand your point and

1 we'll think about it. I'm just, I guess, a little
2 surprised it has come up now --

3 SPECIAL MAGISTRATE: I was going to -- that was my
4 next question.

5 MR. WAZLAVEK: -- because the proposal has been on
6 the table for six months.

7 MR. BALINSKY: Months and months, yeah.

8 MS. HEEKIN: We've rejected it every time, so --

9 MR. BALINSKY: I mean, this is the first time it's
10 been mentioned.

11 SPECIAL MAGISTRATE: You need to have meaningful
12 discussion on it if it's an issue.

13 MR. BALINSKY: It's the first time the objection
14 has been raised, to my knowledge. I've listened to all
15 the tapes.

16 MR. WAZLAVEK: A response isn't a we reject in a
17 grunt.

18 SPECIAL MAGISTRATE: Okay.

19 MS. HEEKIN: The next item is in Section D and E.
20 Section D deals with program chairs or lead faculty and
21 Section E deals with substitute teaching. And we're
22 going to address that when we address our wage article.
23 So we're just letting you know that we'll have to come
24 back for those two sections at some point.

25 SPECIAL MAGISTRATE: It's like a big puzzle,

1 crossword puzzle.

2 MS. HEEKIN: Yes.

3 SPECIAL MAGISTRATE: They come together at points
4 and redundant words.

5 MS. HEEKIN: Now, the union, in their Article 9,
6 they have put in this 9.03 that deals with library
7 faculty, they put in a 9.04 that deals with counseling
8 faculty. They have agreed in our Article 13 to Section
9 10, for the most part, which deals with librarians and
10 counselors. The college's position is just that we
11 really don't need to say any more about their duties
12 than what we already have in Article 13, Section 10.

13 SPECIAL MAGISTRATE: So you're apart?

14 MS. HEEKIN: Correct. We think we've got enough
15 language in what we've proposed. With respect to
16 Section 9.05, I already pointed that out. That's just
17 another non-teaching day provision.

18 Section 9.06, again, you know, this says that
19 faculty may perform office staff duties on a voluntary
20 basis and shall be compensated at the faculty member's
21 daily rate. I have no idea what they mean by office
22 staff duties. I would think a lot of them use
23 computers, use copy machines. Is that -- I mean, I just
24 don't know what this means.

25 MR. WAZLAVEK: There's a history of management

1 trying to convince faculty to do the job of the clerical
2 staff.

3 MR. BALINSKY: Yeah. We can name a specific
4 example.

5 MS. HEEKIN: Okay. I'm just saying I think the
6 language is poorly written, it's not specific, and we
7 reject it.

8 SPECIAL MAGISTRATE: Well, when he presents his
9 side --

10 MS. HEEKIN: Perfect.

11 SPECIAL MAGISTRATE: -- you can do that in cross
12 or whatever we want to call it.

13 MS. HEEKIN: Okay. And --

14 MR. WAZLAVEK: I'm a little confused at this
15 point. Maybe I need a little clarification, because I
16 thought we were going issue by issue, and now we seem to
17 be bouncing all over the contract. And we've got the
18 Provost sitting up here on the witness stand, and I've
19 been waiting to cross for 20 minutes, because I thought
20 we were talking about Article 13. Now, if we're talking
21 about --

22 MS. HEEKIN: Well, we are, and Article --

23 MR. WAZLAVEK: If the administration is wrapping
24 up all of its proposals, fine, we'll keep moving and
25 then we'll put on our show. But if we're going to do it

1 like we agreed to do it in the beginning, which is issue
2 by issue, then let's get to 13.

3 MR. BALINSKY: Where did reduction come from?

4 MR. WAZLAVEK: Where did reduction in force come
5 from? It came from out of nowhere.

6 MS. HEEKIN: Well, because it dealt with the
7 seniority issue.

8 SPECIAL MAGISTRATE: Tom, I think you're right,
9 but there's stuff -- it's like a plate of spaghetti.
10 You pulled a noodle loose on the other side of the
11 plate, and you don't know. But I understand that this
12 is complex stuff.

13 MS. HEEKIN: Exactly. And with all due respect,
14 we did mention before that there's a seniority issue,
15 and that the seniority issue came up in a number of
16 contexts, and that we were going to have Dr. Moore-Davis
17 talk about that. With respect to Article 9 here,
18 Article 9 is entitled working conditions and workload
19 and it's --

20 SPECIAL MAGISTRATE: It's efficient to have her
21 while she's on the stand --

22 MS. HEEKIN: Exactly.

23 SPECIAL MAGISTRATE: -- to cover as much as we
24 can. And I think Tom raised a good point, is we're off
25 track and he's sitting here waiting for cross. And you

1 don't mind sitting for another couple more hours?

2 THE WITNESS: I guess we are.

3 MS. HEEKIN: Well, there's only one other section.
4 It's convenient that he said something now. But the
5 last section in Article 9 is this 9.07, and our only
6 point is we think it's the same as Article 18, which is
7 interdivision transfers, which the parties had agreed
8 to. So -- and that's it.

9 SPECIAL MAGISTRATE: That's kind of bargaining
10 stuff. So I hope you guys work that all out before it
11 comes to me at the end.

12 MS. HEEKIN: Just making the point that we think
13 it's already in our package.

14 SPECIAL MAGISTRATE: Okay. Do you want to finish
15 your slide presentation?

16 MS. HEEKIN: That's it. We're done.

17 SPECIAL MAGISTRATE: Okay. Okay, now, cross.

18 CROSS EXAMINATION

19 BY MR. WAZLAVEK:

20 Q All right, Madam Provost, I think you stated
21 earlier, you laid out a pretty compelling argument that the
22 faculty here are basically overpaid and underworked.

23 A No, that wasn't the argument.

24 Q That's kind of what we heard. And I'm a little
25 curious as to the way you approach the numbers and the data.

1 But isn't it true that TCC is offering and creating the top
2 ten careers in north Florida?

3 A Yes, we do.

4 Q And we're in the top 15 nationally for student's
5 return on investment?

6 A Yes.

7 Q Okay. You gave \$387 million annual boost to the
8 economy of Gadsden, Leon, and Wakulla Counties?

9 A I believe that's what's stated.

10 Q Wasn't that all the hard work of the faculty?

11 A Yes, the faculty had something to do with that,
12 but understand, those workforce programs are primarily
13 workforce and continuing education and PSAV programs.

14 Q But the faculty are central to your -- the
15 institution's success, correct?

16 A The faculty are central to any higher education
17 success, and we can agree on that.

18 Q All right, can I get you all to back up your
19 slides to the one where you had faculty member A and faculty
20 member B? All right, now, tell me, Madam Provost, how many
21 students are in faculty member A's classes?

22 A I don't -- now, I can tell you on average for
23 those faculty that are teaching --

24 Q No, no, the --

25 A I can tell you on average, because I don't have

1 the numbers there, but generally the faculty member A is
2 teaching between 25 and 30 students.

3 Q Okay.

4 A Per class.

5 Q Now, so you're not paying both; only faculty B is
6 getting paid the overload money, right, the reassignment,
7 because of the reassignment?

8 A Yes.

9 Q Who authorized the reassignment?

10 A The reassignment is actually -- is actually caused
11 by the formula that the college has.

12 Q But don't all these require approval from the
13 administrator?

14 A Yes.

15 Q So administration ultimately has the authority to
16 approve or disapprove?

17 A Actually, according to the statute, it should be
18 the President.

19 Q Okay, but that's right, somebody in authority has
20 to make a decision, don't they?

21 A Well, that's very true. You know, one other
22 option we had was to give all faculty -- decrease all the
23 hours and give them all 15 contact hours, which I could do,
24 according to this workload, but I decided not to, because it
25 would have an adverse impact on faculty.

1 MR. BALINSKY: You also had a status quote and you
2 were not able to.

3 THE WITNESS: Well, again -- but again, the
4 workload doesn't negate me decreasing all of the class
5 enrollments now and giving you all 15 contact hours, but
6 that would be a negative impact.

7 BY MR. WAZLAVEK:

8 Q But it's all within your prerogative, right?

9 A Well, there is prerogative and then there is what
10 is fair to all, and that's really what we're trying to get
11 to.

12 Q Okay.

13 MR. BALINSKY: What is the average class size of
14 the individuals in faculty member column B?

15 THE WITNESS: Probably around 40 to 45.

16 MR. BALINSKY: And you said column A is
17 approximately 25 to 30?

18 THE WITNESS: Yes.

19 MR. BALINSKY: So when you're discussing inequity
20 is it not true that the faculty member B is taking on a
21 larger class load, significantly larger than faculty
22 member A?

23 THE WITNESS: They may be, but they also have the
24 time that faculty member A does not have, so it actually
25 balances off.

1 MR. BALINSKY: So it balances out?

2 THE WITNESS: Yes.

3 SPECIAL MAGISTRATE: Time meaning one less course
4 to teach?

5 THE WITNESS: Well, faculty member B, because
6 they're teaching in larger classes, now has time to deal
7 with the student population that they have.

8 MR. BALINSKY: So you're saying that the loading
9 formula as it sits now balances out?

10 THE WITNESS: No, it doesn't. It is not equitable
11 at all.

12 MR. BALINSKY: Can you explain why you think that?

13 THE WITNESS: You have -- faculty member A is not
14 eligible for reassignment.

15 MR. BALINSKY: But does not faculty member A have
16 a smaller class size?

17 THE WITNESS: Yes, they do, but that doesn't mean
18 they have less work than that person that's faculty
19 member B.

20 MR. BALINSKY: Okay. Go ahead.

21 BY MR. WAZLAVEK:

22 Q Would you flip to the UFF workload issue? I think
23 it's the next one going forward.

24 A Oh, going forward? Okay. This?

25 Q Yeah, that's the one. Okay, so according to your

1 presentation here, the formula method currently lacks
2 accountability. But as we've already discussed, management
3 has the authority and the prerogative to make a decision,
4 right?

5 A Well, we do, but again, in doing -- in making some
6 of those decisions, you also have to assess the impact on
7 those you are trying to help. So when the workload says that
8 you are in load, you are either going to respect the workload
9 or you're going to reject it, which means you shouldn't have
10 a workload at all if you don't respect it.

11 So the college has a workload that has to be
12 respected. So when a faculty member is in load, the
13 institution has now the responsibility to ensure that that
14 workload is carried out.

15 Q But, again, to my question, it is within the
16 authority of the President and the Provost to make that
17 decision, correct?

18 A I guess we could reject it. But we can't now, but
19 I guess at some point the college could have rejected it.

20 Q Now, you testified earlier that the college was
21 declining the opportunity to bargain class sizes, right?

22 A (Nodding head affirmatively).

23 Q But isn't it also true that in addition to
24 proposing class sizes that we had proposed extra money for
25 extra students as a way to counterbalance?

1 A Did we propose?

2 Q Did we, the union, propose?

3 A You propose?

4 Q Right.

5 A So repeat that. So you proposed extra --

6 Q Is it true that we proposed paying extra money for
7 extra students because that was the alternative to your
8 refusal to bargain caps, and that you declined that proposal,
9 as well?

10 MR. CROSLAND: Yes, we declined it.

11 MR. WAZLAVEK: Yes, thank you.

12 MR. BALINSKY: Thank you. And for informational
13 purposes, we were requesting class caps of 150.

14 MR. WAZLAVEK: Right, we'll get to that.

15 MR. CROSLAND: Didn't you withdraw that, Tom?

16 Didn't you withdraw that?

17 MR. WAZLAVEK: No, I didn't withdraw it, I just
18 ignored you.

19 BY MR. WAZLAVEK:

20 Q Flip to the next one, if you wouldn't mind. Keep
21 going. All right, right there. All right, of these
22 positions listed here, how many are currently filled?

23 A Well, it's not really filling a position, it's
24 actually fulfilling workload.

25 Q Okay, well, but who is fulfilling those workloads?

1 Can you name some individuals?

2 A No, I wouldn't do that.

3 Q Oh, I see. So we currently have somebody being a
4 coordinator for German and French?

5 A Yes, we do. All of that is valid.

6 MR. BALINSKY: Do we currently have a study abroad
7 coordinator?

8 THE WITNESS: We do, but not in that division.

9 MR. BALINSKY: We have an individual who is a
10 study abroad coordinator, specifically?

11 THE WITNESS: No, we do not.

12 MR. BALINSKY: That is their reassignment? We do
13 not?

14 THE WITNESS: No, we have Brian Kupfer, who
15 handles global education.

16 MR. BALINSKY: But he is not specifically a study
17 abroad coordinator?

18 THE WITNESS: No, he is not.

19 BY MR. WAZLAVEK:

20 Q He's not being compensated for it?

21 A He has -- he has coordinator duties.

22 MR. BALINSKY: But you've got study abroad
23 coordinator listed there --

24 THE WITNESS: Yes, that was in another division.

25 So what I'm saying here is that I have -- someone was

1 given the reassignment of study abroad coordinator when
2 there is no study abroad in that division.

3 MR. BALINSKY: So are these current assignments
4 that individuals have?

5 THE WITNESS: These are current, yes, sir.

6 MR. BALINSKY: So who is the study abroad
7 coordinator?

8 THE WITNESS: I just didn't want to -- I did not
9 want to note that, as far as who that is, because I
10 don't think it is relevant.

11 MR. BALINSKY: Wait, do we currently have a study
12 abroad coordinator?

13 THE WITNESS: No. You have a person that was
14 given a reassignment as a study abroad coordinator, but,
15 no, we do not.

16 MR. BALINSKY: As part of a larger reassignment
17 for global learning counseling?

18 THE WITNESS: No, no, no.

19 BY MR. WAZLAVEK:

20 Q So you're saying that the study abroad coordinator
21 was given specific reassignment time for that duty?

22 A They were given a reassignment for which I have no
23 measurement outcomes.

24 Q And you approved it?

25 A No, actually, I did not.

1 Q Somebody in management approved it, right?

2 A Yeah.

3 MR. BALINSKY: I'm still confused, though. You're
4 using that as an example --

5 THE WITNESS: Yes.

6 MR. BALINSKY: -- and you're saying we currently
7 do not have a study abroad coordinator?

8 THE WITNESS: We do not. My point -- my point in
9 this is there are some reassignments that have no
10 measurable outcomes or no institutional need. And these
11 are examples of those that either fall under what should
12 be college service or there is no institutional need for
13 them. The formula forces us to give 81 percent of
14 faculty reassignments where there is no need.

15 MR. BALINSKY: But do all of the -- these are not
16 all current reassignments, is that correct?

17 THE WITNESS: No, every -- 81 percent of you, 81
18 of 184 -- I don't know if I have a mathematician in the
19 room -- but over 130 faculty have reassigned time in
20 this institution.

21 SPECIAL MAGISTRATE: May I ask a question? These
22 are some of the reassignments.

23 THE WITNESS: Exactly.

24 SPECIAL MAGISTRATE: And these are the ones that
25 you point to as a possible example -- I'm trying to

1 measure my words -- as not having an institutional need?

2 THE WITNESS: Uh-huh.

3 SPECIAL MAGISTRATE: Or not having a measurable
4 outcome, and if the new system is implemented, these may
5 go way?

6 THE WITNESS: Exactly. Because understand --

7 SPECIAL MAGISTRATE: But you have to fill them
8 now?

9 THE WITNESS: Yes, because the faculty member is
10 within load. Now, I could give them another class.

11 SPECIAL MAGISTRATE: Okay, so someone is in one of
12 these positions -- i.e. a marketing planner, or a course
13 coordinator, and it's their reassignment, and if you
14 eliminate it, that person doesn't have the 15 hours, so
15 they've got to get something else.

16 THE WITNESS: Yes.

17 SPECIAL MAGISTRATE: It could be give them another
18 class?

19 THE WITNESS: Uh-huh. Well, we don't currently
20 have that option.

21 SPECIAL MAGISTRATE: Which, if you gave them
22 another class, that might lower -- one option is to
23 lower number of students in a class?

24 THE WITNESS: You are correct.

25 SPECIAL MAGISTRATE: But maybe it's not practical

1 in many cases?

2 THE WITNESS: Uh-huh.

3 SPECIAL MAGISTRATE: Okay, I understand.

4 THE WITNESS: And I do want to state that when you
5 look at the titles of this, some of these things are
6 actually good things; for example, those that are
7 adjunct mentors. But there is no document at this
8 institution that says what the faculty adjunct mentor
9 does or what their measurable outcomes are.

10 BY MR. WAZLAVEK:

11 Q Well, who writes job descriptions at the college?

12 A HR, I would assume.

13 Q Doesn't HR report to the Provost and President?

14 A No, this was been going on for -- I went back all
15 the way to 1987.

16 Q But HR reports to the Provost and President,
17 correct?

18 A The President.

19 Q Okay. So faculty members don't write their own
20 job descriptions?

21 A For reassignments, that would probably have --
22 that probably would have been HR to do that. At some point
23 the institution should have come up with job descriptions for
24 this.

25 MR. BALINSKY: So, Dr. Moore-Davis, I am

1 currently -- I'll use myself as an example. I'm
2 currently a course coordinator for a couple of different
3 courses, and I have responsibilities to observe adjunct
4 instructors. If my reassignment is then removed, does
5 that work now no longer get done?

6 THE WITNESS: No, it still gets done. We will
7 assess it. You assess what the needs are. So you have
8 a Program Chair, you may have lead faculty. We may
9 still keep course coordinators, but the course
10 coordinators now have specific duties that need to be
11 done, with a job description and measurable outcomes.
12 This is what you do, this is how many people you need to
13 observe, this is the documentation I need when you
14 observe those classes. This is what we need on the end
15 game.

16 MR. BALINSKY: Okay, and then how does that impact
17 my workload if I now continue to do those duties but am
18 not afforded a reassignment for multiple adjunct
19 observations or multiple course coordination, master
20 course syllabi, things like that? How does that
21 impact --

22 THE WITNESS: Now, master course syllabi,
23 understand, as a faculty member, that's just your
24 responsibility.

25 MR. BALINSKY: As a course coordinator. Not

1 everybody --

2 THE WITNESS: You mentioned syllabi. That's your
3 responsibility as a member of the faculty community.

4 You are a citizen --

5 MR. BALINSKY: As a course coordinator.

6 THE WITNESS: As a course coordinator, we would
7 have to assess it. I'd need to assess it, because
8 remember we did a restructuring, so now there's an
9 Associate Dean in place, there's a Program Chair, and we
10 will assess whether we need -- or to what degree do we
11 need course coordinators. And we will design what their
12 duties are in alignment with the Program Chair and the
13 Associate Dean that also should have a part in those
14 duties.

15 BY MR. WAZLAVEK:

16 Q And is there anything preventing the college from
17 developing all that now?

18 A No, actually, I've been working on it.

19 MS. HEEKIN: Status quo.

20 MR. WAZLAVEK: Status quote doesn't have anything
21 to do with that.

22 THE WITNESS: Well, yes, it does. Yes, it does.

23 I cannot --

24 MR. CROSLAND: Why are we here, then?

25 MR. WAZLAVEK: Because the college has the

1 authority to write up job descriptions for course
2 coordinators. You don't need to bargain with us over
3 that.

4 MS. HEEKIN: Why would we write them if we can't
5 have anybody do them?

6 MR. WAZLAVEK: Well, no, that's -- I think that's
7 a big misnomer.

8 BY MR. WAZLAVEK:

9 Q Okay, let's go to the next two slides up, I think.
10 I just have one quick question.

11 A On this one?

12 Q Yes, ma'am. Do you think if you were a
13 20-year-old college student that you'd like to come to school
14 at 12:30 or 9:30 in the morning?

15 A I think -- well, actually, I know that our
16 students have changed. Eighty percent of them are working,
17 so they may come anywhere between 9:30 and 8:00 at night.

18 Q Which might account for why you also have a
19 blip -- the second highest blip is in the afternoon?

20 A No, that's not the reason why at all.

21 Q Well, it's kind of interesting, isn't it? Your
22 highest classes are during midday, which would take care of
23 the 20-somethings; otherwise, that 5:30 class looks pretty
24 popular, too.

25 A No, you don't see the enrollments, what you see

1 are the class capacities.

2 Q Right. No, that's what I'm looking at. Your
3 point was that these numbers represent variation in class
4 sizes, and you seemed to imply that they had something to do
5 with the reassignment issue.

6 A No, not reassignment, the formula.

7 Q Okay, well, the formula issue. But, you know, the
8 fact is, college students take classes at different times,
9 you know, for different reasons.

10 A They do, but that class capacity, that wasn't my
11 statement at all. Basically they are varying because of
12 the -- because of our workload, it varies.

13 Q All right, let's go to the next slide. We'll
14 address that one later. Keep going. All right, you can stop
15 there for just a second. You said one of the things that the
16 college's proposal wants to do is create some fiscal
17 responsibility, right?

18 A Yes.

19 Q So is the college looking to save money?

20 A That's -- I cannot speak to that. I'll let
21 Barbara Wills speak to that. My goal is student success, and
22 doing what is best for students.

23 Q But you testified that --

24 A Those are the three principals.

25 Q Right.

1 A Now, those principals don't directly impact why we
2 are looking at faculty workload as it relates to our
3 students. That has to do with student success, student
4 completion. That is my primary role, is to make sure that
5 happens. Because you know what, if students aren't
6 successful here, there is no need for any of us to be here.

7 MR. BALINSKY: Is student success tied to lower
8 class sizes, in your opinion?

9 THE WITNESS: Yes. The research bears that out.

10 MR. BALINSKY: So and yet you do reject our
11 proposal about class caps, is that correct?

12 THE WITNESS: I reject your proposal simply
13 because that workload is going to drive that back up, so
14 unless you go back and give me another proposal for
15 class sizes and how it will work with that workload --
16 because it doesn't, Martin. You can slice it any way
17 you want. That workload will not give you 30.

18 MR. BALINSKY: Okay. And just to rewind from
19 that, in my discussion of that I was not necessarily
20 discussing the loading formula, but in looking at your
21 15 credit hour model, we were advancing a system of
22 class caps of 30 as a way to perhaps make the 15 contact
23 hour model work. So you are in rejection of the class
24 cap?

25 THE WITNESS: Oh, I don't reject that at all.

1 What I reject is that we are not going to throw any
2 number out there haphazardly. I'm not going to throw 30
3 out there, I'm not going to throw 25 out there, I'm not
4 going to throw 40 out there. But I'll tell you what,
5 I'm not going to throw 55 out there because I think that
6 is too large for the students we serve. They are not
7 completing, and we need to do something about it.

8 MR. BALINSKY: I agree with you, 55 is too large,
9 but how do we know what the class cap will be without it
10 being written in the contract?

11 THE WITNESS: You have to trust me, Martin. And
12 the faculty are going to have to trust me. I've been
13 talking about dropping class sizes since I got here, but
14 I couldn't do that because we have a formula that forces
15 me to give you a certain number of student contact
16 hours. And it is my goal to do that, but what it looks
17 like for history is not what it's going to look like for
18 sciences, because for sciences you may need a smaller
19 capacity than a history course that may be delivered in
20 a particular way.

21 So we all just need to look at -- do the research,
22 look at the sizes, and determine what that's going to be
23 for TCC to move us forward into the future.

24 MR. BALINSKY: But are contracts based upon trust
25 or based upon words that are on a page?

1 THE WITNESS: Well, since we have a contract, it's
2 going to be based upon what we write.

3 MR. BALINSKY: And also there may be -- you know,
4 hopefully you're here a long time. What if there's
5 another Provost that's making decisions? Would we not
6 want assurances in writing of those smaller class sizes?

7 THE WITNESS: Now, once I -- once we determine
8 what the class sizes would be -- and I'm not looking at
9 the lawyers right now. But once we decide what the
10 class sizes are going to be, I have no problem writing
11 it down.

12 MR. BALINSKY: Thank you.

13 MR. WAZLAVEK: Anything else?

14 MR. BALINSKY: No, that's it.

15 MR. WAZLAVEK: I think we're about done.

16 MR. BALINSKY: Thank you.

17 SPECIAL MAGISTRATE: Thank you.

18 THE WITNESS: Thank you.

19 (Witness excused)

20 MR. WAZLAVEK: Well, what do we do next? It's
21 4:30.

22 MR. BALINSKY: We'll have presenters.

23 MS. HEEKIN: Yeah, do you want to do your
24 presenters on your workload issues?

25 MR. CROSLAND: Get it over with?

1 Q Mr. Balinsky, where are you employed?

2 A At Tallahassee Community College.

3 Q How long have you been employed there?

4 A As an adjunct since 1995, full time since 2010.

5 Q And what is your current rank?

6 A I'm currently an Associate Professor of geology
7 and earth science, oceanography, at TCC.

8 Q And do you have any active role in the union?

9 A I do.

10 Q What is that?

11 A I'm the Vice-President of the union and the
12 co-chief negotiator for UFF-TCC.

13 Q All right. And are you familiar with our
14 collective bargaining --

15 A I am.

16 Q -- we've been doing the last several months?

17 A Yes.

18 Q And are you familiar with Article 13?

19 A Yes.

20 Q And could you explain our proposal on Article 13
21 standard teaching load?

22 A Yes. Our standard teaching load is the loading
23 formula that you've heard a proposal about previously. I'll
24 attempt to not repeat the logistics of it unless there's
25 questions that arise based on it. But we believe it is a

1 flexible teaching load that takes into account the number of
2 students, the number of preps, the number of contact hours
3 that a faculty member has.

4 Q And what is our proposal based on?

5 A Our proposal is based on student success. We just
6 celebrated a 50-year legacy of student success. Dr. Balog
7 named all the accolades of TCC, and you did previously in
8 repeating them in your questions. And we feel this serves
9 our students very, very well.

10 Q And is there a particular policy that --

11 A Yes, there is.

12 Q -- that we're dealing with?

13 A Yes, there is.

14 Q If you turn your tab -- you should have my
15 exhibit. I believe it's -- it would be union whatever now --
16 probably Union 3.

17 SPECIAL MAGISTRATE: I have Union 3, I have the
18 collective bargaining unit agreements.

19 MR. WAZLAVEK: Okay, then let me make this,
20 probably, Union 4.

21 SPECIAL MAGISTRATE: Union 4, okay.

22 (Whereupon, UFF Exhibit No. 4 was marked for
23 identification.)

24 MS. HEEKIN: Tom, is that 05-09?

25 MR. WAZLAVEK: Correct, that's Policy 5-09.

1 BY MR. WAZLAVEK:

2 Q Would you identify the document, please?

3 A This is TCC Board of Trustees Policy 05-09.

4 Q And what does this policy deal with?

5 A This policy relates to the standard workload.

6 Q How does that relate to our current proposal?

7 A Our current proposal is the current policy.

8 Q And how long has this policy been in effect?

9 A This policy has been in effect for many years, as
10 long as I've been here. It appears it was initially adopted
11 in 1997.

12 Q And why does our proposal -- why do you believe
13 our proposal works best for TCC and the students?

14 A We feel that it works very well for the current
15 students, that it takes into account the flexibility, that
16 faculty members are able to give students the individual
17 attention that they need, that they're able to have
18 innovative teaching, that they're able to work closely with
19 the students. And again, TCC has proven to have great
20 successes over the recent years, and we feel like that the
21 current situation is working very well.

22 SPECIAL MAGISTRATE: Question, real quick, Tom.

23 I don't seem to have policy or --

24 MR. WAZLAVEK: Look in the back of your binder.

25 In the back of the binder you'll find ten exhibits. And

1 it should be about Exhibit 5.

2 MS. HEEKIN: Tom, I have a question there. You
3 have Exhibit 2, the administrative procedure 05.09.A.P.

4 MR. WAZLAVEK: Right.

5 MS. HEEKIN: And Policy 05.09, teaching load, are
6 those -- should those be together?

7 MR. WAZLAVEK: They go together.

8 MS. HEEKIN: Okay, so it's a Composite Exhibit 4
9 for you guys?

10 MR. WAZLAVEK: We can make it a composite exhibit.

11 MS. HEEKIN: I mean, it's up to you. I just --
12 because I didn't know which one you were referring to.

13 SPECIAL MAGISTRATE: So I'm looking at 05.09?

14 MR. WAZLAVEK: Correct. And we'll move in --
15 we'll just go ahead and put it in as Union 5, which is
16 the administrative procedure for the policy.

17 MS. HEEKIN: For both of them; okay, perfect.

18 MR. WAZLAVEK: So we'll call it Union 5.

19 SPECIAL MAGISTRATE: What's Union 5? 05.09?

20 MR. WAZLAVEK: It's 05.09.A.P, which is the second
21 document in.

22 SPECIAL MAGISTRATE: Hold on a second. I've got
23 05.02.

24 MR. WAZLAVEK: You should have 05.

25 SPECIAL MAGISTRATE: Help me out here. I've got

1 05-09 --

2 MR. WAZLAVEK: Flip the other way.

3 SPECIAL MAGISTRATE: Okay.

4 MR. WAZLAVEK: It should be -- that's it right
5 there.

6 SPECIAL MAGISTRATE: Here?

7 MR. WAZLAVEK: Right, that's correct.

8 SPECIAL MAGISTRATE: That's the beginning of it?

9 MR. WAZLAVEK: No, that is it. All right? And
10 the two of them work together.

11 (Whereupon, UFF Exhibit No. 5 was marked for
12 identification.)

13 SPECIAL MAGISTRATE: Okay.

14 BY MR. WAZLAVEK:

15 Q All right. So we talked about our concern with
16 the administration's proposal. Where am I? Jim, did you
17 mess with my computer?

18 MR. CROSLAND: Did you say something?

19 BY MR. WAZLAVEK:

20 Q Hang on a minute. Let me get this thing started.
21 All right, your show now.

22 A So 15 hours, does it work for TCC? I have some
23 witnesses with me who are going to be sharing testimony over
24 the next few minutes. So should I proceed to introduce them,
25 or how do you want --

1 Q The next slide.

2 A Okay. That's a good idea. Does it need to be
3 facing --

4 Q Right click.

5 A -- facing a different direction? Oh, there we go.
6 It was needing to face there.

7 Q Back up a little bit.

8 A Okay, here we go.

9 Q Do you recognize this document?

10 A I do.

11 Q Okay. And what -- would you describe the document
12 really fast.

13 A This is a document that came from the faculty --
14 the Task Force on Workload that was in the summer of 2016
15 that was tasked by the TCC Board of Trustees at the May 16,
16 2016 Board of Trustees meeting. And it was a task force
17 designed to look into the standard workload.

18 This particular report was produced by the
19 college's administration. It's from the Office of
20 Institutional Effectiveness. The VP of Institutional
21 Effectiveness presented this report to the task force on the
22 final day of May, 2016.

23 Q Okay, go ahead, next slide.

24 A There we go.

25 Q All right, so what is this of? So what does this

1 graph tell us?

2 A So this is a graph of the average number of
3 students that are taught per full-time faculty. This came
4 from summer, 2014. And what this slide indicates is that TCC
5 faculty's average number of students was, in fact, the
6 highest in the state. So the productivity of our faculty
7 certainly is very much in keeping with the rest of the state;
8 in fact, is the highest faculty productivity in the entire
9 state. The state average is -- we're above the state average
10 at 73, and the state average appears to be 58.

11 Q Okay. And that's average number of students
12 taught per full-time faculty member in that summer of 2014?

13 A That is correct.

14 Q Next slide.

15 A There we go.

16 Q All right, what does this tell us?

17 A This tells us -- this is the average number of
18 students taught per full-time faculty in fall of 2014. So
19 keeping in mind that the loading formula is used for TCC and
20 TCC -- the case was made by the other side that the TCC
21 faculty are not meeting the productivity and are not working
22 as hard as the rest of the state.

23 This, in fact -- this data appears to indicate
24 differently. TCC is right in keeping with the rest of the
25 state. It would appear that our average class size is 117,

1 and it's very close to the state average.

2 MR. CROSLAND: You don't mean the average class
3 size?

4 THE WITNESS: Average number of students taught.
5 So if we teach, let's say, four classes, and at another
6 college -- let's say Hillsborough teaches five classes.
7 The total number of students that's taught is that many.
8 That's what that data is

9 MR. CROSLAND: Okay, I just wondered. You said
10 class size, but I didn't think you meant that.

11 THE WITNESS: No, I did not mean that. I'm sorry.
12 It's the total number of students per faculty member.
13 Thank you.

14 BY MR. WAZLAVEK:

15 Q All right.

16 A Okay. Spring, 2015, so once again TCC is right in
17 keeping with the rest of the state. Our class size average
18 is very close to the statewide average. I think that's 111,
19 111, and the statewide average is 116, so very comparable.
20 The idea that TCC faculty are doing less under the current
21 loading formula as compared with other colleges does not
22 appear to be a correct interpretation. It appears that we
23 are teaching as many students at anyone else as faculty.

24 Q All right. Next?

25 A There we go. I got a clear line of sight. Okay.

1 So this is the average class size. Now we are in class size.
2 Summer, 2014, keep in mind this is all data from the Office
3 of Institutional Effectiveness at TCC that was presented in
4 the summer of 2016, that the average class size at TCC is the
5 highest in the state. It is about 29.8, I think that is.

6 And it appears that every -- I think it's
7 noteworthy that every single institution on that list is
8 below 30 students. So we are simply asking for, when we had
9 our conversation at the table, we were simply asking for
10 class caps of 30. It would certainly appear to be a
11 reasonable proposal, given as how every single institution
12 averages less than 30.

13 Q All right. Next one?

14 A Okay. Shall I proceed with the discussion of this
15 slide?

16 SPECIAL MAGISTRATE: I thought the other one was
17 2014. Oh, this is -- what was the first one?

18 THE WITNESS: The first one was summer.

19 SPECIAL MAGISTRATE: Summer. Okay.

20 MR. WAZLAVEK: You've got that slide in your -- in
21 the back of your notebook.

22 SPECIAL MAGISTRATE: Whoa. Okay, thank you.

23 MR. WAZLAVEK: And I suppose we could probably
24 make that Union Exhibit -- Union 7.

25 SPECIAL MAGISTRATE: I've got it here as this

1 composite under -- it says here teacher -- it's not
2 on -- if you look at this right here, Tom, go to four,
3 and right there there's a list of exhibits. It's not on
4 here?

5 MS. HEEKIN: Yeah, it's listed as 9.

6 SPECIAL MAGISTRATE: That's what I was going to
7 say; isn't it 9?

8 MR. WAZLAVEK: Yeah, but that's not the way it got
9 entered in. I mean, we're at 7, so if you want to --

10 MS. HEEKIN: Actually, we're on 5, aren't we?

11 MR. WAZLAVEK: No, no, we've had a couple more.

12 MS. HEEKIN: I thought 4 was 05.09. Can we just
13 go -- I want to make sure I have the right --

14 SPECIAL MAGISTRATE: Yeah, because you said
15 something about 4, and I crossed that out.

16 MR. WAZLAVEK: You're right. Okay, I've got 05.09
17 as 4, and I've got 05.09.A.P as 5.

18 MS. HEEKIN: Oh, okay, I thought you were making
19 that a composite. Okay.

20 MR. WAZLAVEK: Well, no, I --

21 MS. HEEKIN: Okay, 05.09 -- that's fine.

22 MR. WAZLAVEK: Okay, that would make the slide
23 show presentation -- it would make these graphs 6.

24 MS. HEEKIN: Okay.

25 SPECIAL MAGISTRATE: So let me get this straight,

1 because in here it's listed as Number 2. I'm looking at
2 it can be called Composite 1, Exhibit 5 and 9, but if
3 you want to make them separate, I just want to make sure
4 I get this down here. So 5.09.A is 5, right?

5 MR. WAZLAVEK: Correct.

6 SPECIAL MAGISTRATE: Give me one second to write
7 on this; 4 is 5019 -- 5.09. And 5 is 50.9.A, and TCC
8 teaching load --

9 MR. WAZLAVEK: Faculty teaching load and class
10 size will be 6.

11 SPECIAL MAGISTRATE: Okay, I'm ready to roll.
12 (Whereupon, UFF Exhibit No. 6 was marked for
13 identification.)

14 BY MR. WAZLAVEK:

15 Q All right.

16 A So this is fall of 2014. This slide indicates
17 that the TCC faculty have the highest average class size in
18 the state of Florida, and you will once again note that every
19 institution that's on this list is 30 or less. And so we're
20 significantly above the state average on the average class
21 size.

22 So once again, TCC faculty may be not teaching
23 five classes, they might be teaching less classes, and yet
24 they're teaching more students. So as you can see by the
25 total student numbers, that the productivity is, in fact, in

1 keeping with the rest of the state.

2 So the average class size, once again, what this
3 indicates, TCC has the largest class sizes in the state.
4 I'll try not to continue to repeat, but we did request class
5 caps of 30, and once again, that appears to be quite
6 reasonable given the rest of those numbers.

7 Q Okay, next.

8 A So this was the average class size, spring of
9 2015, and once again the data is showing the same, that we
10 have the highest class size average in the state and all the
11 institutions are at 30 or less.

12 Q All right.

13 A Okay. Certainly the averages on all of these is
14 certainly well below 30, and all we're asking for on the cap
15 was 30 for the five.

16 Q All right. So tell us about -- what's an Aspen
17 Award?

18 A Aspen Award is an award that's given to
19 institutions for excellence in student success. It's a
20 highly coveted award that's given to one institution
21 nationwide per year, and it is a one million dollar grant.

22 Q Okay. And have we had any Aspen Award winners in
23 Florida recently?

24 A We have.

25 Q What are those --

1 A Those colleges are Santa Fe College and Valencia
2 College.

3 Q And what do those number represent?

4 A Those numbers come from that same data that I was
5 just showing you that came from the Office of Institutional
6 Effectiveness. The class size -- sorry, I'll slow down a
7 little bit. The class size for Santa Fe College, summer of
8 2014, was 19.5. The fall 2014 class size was 22.5. The
9 spring 2014 class size was 21.2. Valencia College, the class
10 size was, in summer 2015, was 17.9. The fall of 2014 was
11 22.2, and in the spring 2015 was 21.4.

12 Q And how do they compare to us?

13 A Those are smaller class sizes.

14 Q Okay. All right. Next.

15 A Significantly smaller average.

16 Q All right, before we go into -- one last question,
17 then I'll ask you to step down. In regards to the formula
18 that you all use, you heard the Provost testify that we're
19 the only college that uses a formula like this.

20 A That's what was testified.

21 Q Have you done any research on this issue?

22 A I have.

23 Q And what did you find out?

24 A I find that that is in fact not the case. There
25 are numerous colleges that use either a formula or a point

1 system. In fact, the colleges that I spoke to, without
2 exception, all seemed to be using something. Am I able to
3 get my notes, note pad?

4 Q Say again? Okay, you're going to refer to your --

5 A No, that's okay, I think. So the --

6 SPECIAL MAGISTRATE: You're talking about the
7 current formula?

8 THE WITNESS: Right. Our current loading formula
9 is -- our current loading formula, the statement was
10 made by the other side that we're the only college in
11 the state that's using a loading formula. But that, in
12 fact, is not the case. We found that Palm Beach State
13 College, Florida State College of Jacksonville, State
14 College of Florida -- I'm sorry, Chipola College --

15 BY MR. WAZLAVEK:

16 Q Pensacola State.

17 A -- Pensacola State College, Florida A&M, if you
18 want to use a university example. But that's -- a number of
19 colleges were, in fact, using a formula. It's -- essentially
20 it's a very, very standard thing, and I have not actually
21 come across any that don't use a formula, and I have come
22 across a large number that did.

23 MR. WAZLAVEK: All right, thank you. I'd like to
24 call --

25 SPECIAL MAGISTRATE: Can I ask one question?

1 MR. WAZLAVEK: Yes, sir.

2 SPECIAL MAGISTRATE: Just as you view it, how
3 would you describe the formula?

4 THE WITNESS: As I view it?

5 SPECIAL MAGISTRATE: The current formula. I'd
6 like to have your definition of it.

7 THE WITNESS: My definition is that it is -- what
8 it is, or what it's --

9 SPECIAL MAGISTRATE: What it is currently, which
10 is what we're talking about.

11 THE WITNESS: Yes, absolutely.

12 SPECIAL MAGISTRATE: You've used the word formula.
13 I want to have your definition.

14 THE WITNESS: Absolutely.

15 SPECIAL MAGISTRATE: I don't mean to challenge
16 you, but --

17 THE WITNESS: Right. Okay, the formula is an
18 algorithm. It's based upon the number of contact hours
19 times the number of students per instructor. And then
20 you take -- basically it's A times B, and then you get a
21 total number. And then that number is cross-referenced
22 with the number of preparations that you take, which is
23 how many different classes do you teach.

24 If I teach earth science and geology and
25 oceanography, that's three. So I have a lower

1 requirement than if I only taught two. So in my view,
2 it's quite simple. I don't know of any Dean or any
3 Program Chair who does not know how to do it very
4 easily, and it's been around as long as 1997. As I
5 said, it appears to be working very well, and I don't
6 find it to be complex at all.

7 SPECIAL MAGISTRATE: Now, one more question. It
8 sounds like you agree with college's interpretation or
9 definition of the formula.

10 THE WITNESS: I do.

11 SPECIAL MAGISTRATE: We don't have any issues
12 with, well, no, it's really this or it's that. We're
13 all on the same page with respect to how the current
14 process works, formula works?

15 THE WITNESS: Correct. Yes. Yes, we are.

16 SPECIAL MAGISTRATE: Thank you. I didn't mean to
17 do that to you, but --

18 THE WITNESS: No, no, that's absolutely fine.

19 MR. WAZLAVEK: Before we bring our first -- we're
20 going to have four witnesses. Before we do that, can we
21 take a five-minute break so I can caucus my folks real
22 quick?

23 SPECIAL MAGISTRATE: Yeah.

24 (Brief recess)

25 Thereupon,

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JEN ROBINSON

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WAZLAVEK:

Q All right, would you please state your name.

A I'm Jen Robinson.

Q And Ms. Robinson, where are you employed?

A TCC.

Q And in what capacity?

A I'm the Professor of art history.

Q And how long have you been employed here?

A This is my fifteenth year at the college.

Q All right. And are you active on the campus in any organizations?

A I'm the President of UFF-TCC.

Q And talk about your workload a little bit.

A Sure. So I'm a humanities professor, and I teach the art history classes. That's my duty here at the college. I am the only one, so I support that program. And my workload, you'll notice, revolves around a nine contact hour model. It's been that way every since I've come to the college, since 2003 when I began working here.

And the way that it was explained to me by my Dean when I was hired was that it was because of the fact that I

1 did larger classes. The room I teach in can hold 60 people,
2 so that's a facilities issue. And also because I do a Gordon
3 Rule writing requirement class, and that's something that is
4 put upon my class by Florida Statute and also by the fact
5 that our college has decided in our gen ed package -- our
6 general education package, that humanities will support the
7 Gordon Rule.

8 Each college can decide where those hours are
9 allocated. For us it's English classes, two there;
10 humanities classes, two there. So if you go to a different
11 school, it may be a different Gordon Rule model, but our
12 school is Gordon Rule for humanities..

13 And I roughly serve 150 students. Considering the
14 loading formula, again, that can be scaled down if my
15 preparations are higher. So I've had semesters where I've
16 had more like 120 students because I was teaching more
17 preparations. But that's a typical average for me, 150.

18 This is my current course load at the college.
19 You'll notice, again, it's a nine contact model, so I have
20 three classes that I'm assigned. So, again, this is just
21 what I'm teaching today. I'm doing an art appreciation
22 hybrid class that meets one day in person and the rest is
23 done on line. That's a hybrid model. So that's 50 students
24 enrolled in that class. A purely on line art appreciation
25 class with 60 students, and then a face-to-face traditional

1 model Art History 2 class with 40 students. So if you do the
2 math on my numbers, you end up, again, at the 150 mark.

3 DR. MOORE-DAVIS: But aren't you doing an
4 overload?

5 THE WITNESS: I am, but again, I believe that
6 that's at the Dean's discretion. That's not part of my
7 standard salary load. That's their choice to give me
8 that class.

9 So we did present this PowerPoint to
10 administration during bargaining, and one of the things
11 that we tried to reach out about is that if you want a
12 15 contact model, how do we discuss that, how do we try
13 to bargain towards a middle ground, a solution. If the
14 college desires 15 contacts, I hear that. I understand
15 that. What is a solution?

16 So I made up this slide basically suggesting how
17 that might work for me. And you'll notice that --
18 without even knowing my classes, you'll notice that each
19 of them are capped at 30 students, which, again, I
20 think, will be a reasonable proposal under a 15 contact
21 model. Granted that I speak to people all over the
22 state about their CBAs, and most have a smaller cap than
23 that --

24 SPECIAL MAGISTRATE: CD-what?

25 THE WITNESS: Collective bargaining agreements.

1 SPECIAL MAGISTRATE: Oh, CBA, okay.

2 THE WITNESS: What we're trying to get at, yeah.

3 SPECIAL MAGISTRATE: Yeah, I know what that is.

4 THE WITNESS: What we're trying to develop, right.

5 So when I speak to other schools about their CBA or
6 their contract, essentially, they usually have a smaller
7 cap than this. So, again, this was a solution that was
8 offered that could take my nine contact model and
9 rearrange it. Next slide. Well, go back, I wanted to
10 say one more thing.

11 SPECIAL MAGISTRATE: Go ahead.

12 THE WITNESS: And I'll just go back to this really
13 quickly. But, you know, one of the things that didn't
14 come up in our conversation was I do teach a Gordon Rule
15 class. It has a heavy, heavy writing burden. So one of
16 the things when I was hired my Dean told me is that I
17 have extra office hours. That is my reassigned time.

18 So when this reassignment gets discussed --
19 humanities professors have a reassignment of office
20 hours, and sometimes other duties. But one of the
21 things we get is extra office hours. And the way it was
22 explained to me by my Dean was that it was best practice
23 for our school because, as I said, I had such a heavy
24 writing burden, that I would teach nine contacts and
25 have more time in my office to deal with the required

1 writing that was needed. So that was how it was
2 prefaced to me when I was hired, that this is why the
3 model was used for humanities instructors.

4 Again, if you go to this model, I'm going to have
5 ten office hours. I'm going to have a reduction in six
6 office hours, but the same amount of grading of writing.
7 So, again, I'm amenable to discussion of this model, but
8 there is a reason why I do my work as I do it now.

9 BY MR. WAZLAVEK:

10 Q Now you heard the Provost testify; you were here
11 when she --

12 A Yes.

13 Q You heard her rationale for why the college wants
14 to move in the direction it wants to move, of this?

15 A Yes.

16 Q What are your thoughts and opinions about what the
17 Provost proposed?

18 A I can perhaps understand the 15 contact model but
19 I don't understand it without a class cap attached to it.
20 And I do think it will be harmful to the college if that is
21 not put on paper. If there is no way to say, on paper --
22 because the paper presides over our contract.

23 You know, I would love to trust, but I'm an
24 empirical kind of girl, and I want to see something on paper
25 that says to me, this is our values, this is what I believe.

1 To me, I stand with the loading formula at this time because
2 it does tell me what our values are and what we believe. It
3 says you should not have more than this much work for this
4 many classes. And so that's -- you know, again, I think
5 there's a way to perhaps find a solution, but we haven't seen
6 it manifested yet.

7 MR. WAZLAVEK: Anything else you'd like to add?

8 THE WITNESS: No.

9 MR. WAZLAVEK: Okay, cross?

10 DR. MOORE-DAVIS: I have a question.

11 MR. WAZLAVEK: Well, I'd prefer to let --

12 MR. CROSLAND: Well, that's true, but Martin was
13 asking questions of Feleccia, so --

14 MR. WAZLAVEK: He's a principal, so --

15 DR. MOORE-DAVIS: Okay, I'm sorry.

16 THE WITNESS: Can you whisper it in her ear?

17 SPECIAL MAGISTRATE: Why don't you take a short
18 caucus with her if you want.

19 (Brief pause)

20 MR. CROSLAND: No questions.

21 SPECIAL MAGISTRATE: Let's go back on the record.

22 THE WITNESS: I do have one more thing to add. I
23 said I'm done prematurely. The one other thing I did
24 want to mention is I would hope that I would not be
25 given 50 students per class as I am right now, but one

1 of the reasons I also think the loading formula works
2 effectively is because it does account for totality of
3 students. And again, how do I not know for sure, until
4 it's on the paper, that I'm not going to be given 50 per
5 classes.

6 CROSS EXAMINATION

7 BY MR. CROSLAND:

8 Q How do you know for sure that you would be?

9 A Again, I don't trust. I see and I verify. When
10 it's said and it's verified, then I will trust that.

11 Q How many do you teach now, total?

12 A Again, about 150.

13 Q And are you telling us that you're afraid you'll
14 be teaching five classes at 150 apiece?

15 A Five classes of 50 people equaling 250 students.

16 Q But you know or have proof that that could happen?

17 A I've talked to people at colleges where this
18 happens without language in the CBA that's structured around
19 it. I've had enough conversations with enough people to know
20 I want that language. And for me it's essential. And again,
21 the loading formula guarantees that for me.

22 Q Guarantees what you want life to be here at the
23 college?

24 A Well, I'm sorry, Mr. Crosland, but I'll be very
25 clear. I care about my students. I've worked here for 15

1 years. No one becomes a professor because they want to make
2 a lot of money. That's just the way it is. If I wanted to
3 make a lot of money, I'd go be a software designer like my
4 husband. That's what I would do.

5 But I care about our history and I care about
6 teaching it to people. But I also understand what my
7 limitations are. And if I want to have a quality classroom
8 for my students, I need to have a totality of students that
9 does not rise beyond that.

10 So it's not about how I want things to be, it's
11 how things should be for my students, not just for me.

12 MR. CROSLAND: Okay. Okay. No questions, sir.

13 THE WITNESS: I'm done now.

14 SPECIAL MAGISTRATE: Do you want to redirect?

15 MR. WAZLAVEK: No, I think we're done with that.

16 SPECIAL MAGISTRATE: I'm not. Jen, right?

17 THE WITNESS: Yes, I'm Jen.

18 SPECIAL MAGISTRATE: You said you teach a total of
19 150 students in three classes?

20 THE WITNESS: Roughly, yes.

21 SPECIAL MAGISTRATE: Yes, 50, 60, 40. And then
22 you also do the Golden Rule -- Gordon Rule?

23 THE WITNESS: Gordon Rule, yes.

24 SPECIAL MAGISTRATE: So you've got your 150,
25 that's your -- gosh, I've got to go back and look at the

1 formulas again. That's the --

2 THE WITNESS: The preps and the students.

3 SPECIAL MAGISTRATE: How do you -- are you paid
4 for that?

5 MR. WAZLAVEK: Reassigned.

6 SPECIAL MAGISTRATE: Reassigned, yeah.

7 THE WITNESS: It all works within the model as it
8 now stands.

9 SPECIAL MAGISTRATE: As it what?

10 THE WITNESS: As the model stands now, the way
11 that my load is done now, it is correct.

12 SPECIAL MAGISTRATE: So when you throw that in,
13 that gives you the load -- that gives you the load that
14 you need?

15 THE WITNESS: Yeah, and if I taught, you know,
16 four classes, it might change. If I teach two classes,
17 it changes a little bit.

18 SPECIAL MAGISTRATE: Okay. That's what I thought.
19 I wanted to make sure.

20 THE WITNESS: Yes.

21 SPECIAL MAGISTRATE: What you did up there, this
22 model here, I want to make sure, it wasn't -- isn't
23 necessarily a specific proposal. What I'm hearing you
24 say is if we use the current formula this is how it
25 should work because of your 30 student cap?

1 THE WITNESS: Yes.

2 SPECIAL MAGISTRATE: This is how it should work.

3 THE WITNESS: Well, what I'm saying is, if we move
4 to a 15 contact model, there should be some expectation
5 that it should look something like this. And again,
6 this has not been addressed in any of the
7 administration's proposals. But it should look
8 something like this, if you want it to be best practice,
9 if that's the language being used.

10 SPECIAL MAGISTRATE: Okay. Go ahead. No, you go
11 ahead.

12 MR. BALINSKY: Okay, I have one cross. How would
13 moving from 30 students to 50 students -- if you had
14 five classes of 50 -- actually, let me put it this way,
15 since you're currently teaching 150. How would that
16 impact your student success if you went from 150
17 students to 250 students?

18 THE WITNESS: I can't even imagine how it would
19 impact my student success. It would -- there would be
20 no way for me to maintain the type of assignments and
21 interaction I have with my students. I wouldn't have
22 the ability to work with them one-on-one. I wouldn't
23 have the ability to have complex assignments. There
24 would be no ability for that.

25 MR. BALINSKY: Okay, and you currently teach three

1 classes of 50. Under the current loading formula, if
2 you were assigned four classes, what would your class
3 sizes, approximately --

4 THE WITNESS: And again, they would have declined
5 a bit with -- I'm sorry, four preparations or four
6 classes?

7 MR. BALINSKY: So for the loading formula as it
8 currently stands, if they assigned you four classes,
9 what class sizes would they have to assign you?

10 THE WITNESS: Again, it would fall within the
11 loading formula, but I would have a slight reduction of
12 students.

13 MR. BALINSKY: Okay. And if you were assigned
14 five classes, how many students --

15 THE WITNESS: Five preparations?

16 MR. BALINSKY: Yeah, I'm --

17 THE WITNESS: Again, a slight reduction of
18 students. Again, I've done up to four preparations,
19 because my program supports four classes.

20 MR. BALINSKY: So is it not the case that if you
21 were teaching more classes under the current loading
22 formula, you would be teaching significantly less
23 students?

24 THE WITNESS: Yes, I would.

25 MR. BALINSKY: Thank you.

1 THE WITNESS: So, again, the 150 is a guideline.
2 If I had more preparations -- if I was teaching all four
3 of my classes, Art Appreciation, Art History 1, Art
4 History 2, and Nonwestern Art History, I'd be teaching
5 significantly fewer students than 150 under the loading
6 formula.

7 SPECIAL MAGISTRATE: But if I remember, you only
8 teach two, right?

9 THE WITNESS: Right now my -- can you go back to
10 the last slide?

11 SPECIAL MAGISTRATE: Three, three, yeah.

12 THE WITNESS: Right now my preparations -- back.
13 Right now my preparations, as you'll note on my slide,
14 my preparations right now stand at two.

15 SPECIAL MAGISTRATE: Two, two, yeah.

16 THE WITNESS: Yes, my preparations are two.

17 SPECIAL MAGISTRATE: Three classes, two subjects,
18 two different courses.

19 THE WITNESS: Two different subjects, yes.

20 SPECIAL MAGISTRATE: And you have taught four
21 courses.

22 THE WITNESS: I have in the past, yes.

23 MR. BALINSKY: So do you consider the loading
24 formula to be flexible and student centered?

25 THE WITNESS: Absolutely. The loading formula is

1 very flexible for the amount of classes that you might
2 need to teach as a subject matter expert.

3 SPECIAL MAGISTRATE: Thank you, Jen.

4 THE WITNESS: Thank you.

5 (Witness excused)

6 MR. WAZLAVEK: All right, I'd like to call Brenda
7 Reid.

8 SPECIAL MAGISTRATE: Swear her in, please.

9 Thereupon,

10 BRENDA REID

11 was called as a witness, having been first duly sworn, was
12 examined and testified as follows:

13 SPECIAL MAGISTRATE: Your witness.

14 DIRECT EXAMINATION

15 BY MR. WAZLAVEK:

16 Q Would you state your name for the record.

17 A Brenda Reid.

18 Q And Ms. Reid, where are you employed?

19 A TCC.

20 Q And in what capacity?

21 A I'm a Professor of English and reading.

22 Q Okay. And how long have you been a Professor of
23 English and reading?

24 A I was hired here in August of 1998.

25 Q And are you active in any organizations on campus?

1 A Certainly UFF, and within my own division, I'm
2 very active.

3 Q Okay. And what's your current course load?

4 A My current course load, because I am Program
5 Chair, has given me some reassigned time. So my current
6 course load is two courses within my regular load, and I have
7 40 percent reassigned time for the Program Chair position,
8 because our English Department is quite large, and we're very
9 thankful for the reassignment time. We currently have 40
10 adjuncts in English.

11 Q Forty?

12 A Forty, yes.

13 Q And, okay, so that's your current --

14 A Yes, up until August of 2016, this would have been
15 my usual schedule: Four classes, actually, of 30 students,
16 not 25 to 28. Our cap is 30. We received three hours of
17 reassigned time. At that point the intensive conferencing
18 was not happening but the Learning Commons hours were
19 offered, and then we would have four -- I would have four
20 usual load classes, 1101, 1102.

21 The three hours in the Learning Commons is
22 important, because when I was hired here in 1998, I was told
23 that the teaching load was 15 hours per semester. So I said,
24 immediately, to myself, that's five classes. Well, when I
25 was hired, then I discovered that English faculty, because of

1 the grading load that we have, we were given the option --
2 and the Presidents up until 2016 had signed off on this.
3 English faculty were given the option to fulfill three of
4 their workload hours with time spent in the Learning Commons,
5 if you're familiar with our Learning Commons, our tutoring
6 area for various disciplines.

7 And what we do -- what the English people do in
8 the Learning Commons is we work one-on-one with not only our
9 own students, as we do encourage our own students to come to
10 the Learning Commons, but we work with students across
11 campus, across disciplines, working on writing assignments
12 that they may have.

13 We generally would spend about a half an hour
14 with each student doing anything from talking about the
15 assignment, doing brainstorming for the assignment, helping
16 the student develop a direction, a thesis, or a claim for the
17 paper, creating an outline for the paper, helping the student
18 maybe with research, and how to incorporate that research.
19 So what we ensured was that when that student left us, that
20 that student had a clear direction on how he or she was going
21 to proceed with that particular assignment.

22 We had in the past always called that contact.
23 That is student contact, because even though we are not in a
24 traditional classroom with 30 students in front of us, we are
25 indeed making an impact on that student's success. So -- and

1 these were very -- maybe the system that we logged in and out
2 of needs some upgrade, but certainly we were very accountable
3 for those hours that we were there.

4 Within my division, our Dean, whom I worked under
5 for 18 years -- and she has just retired -- well, 17 years,
6 and she's just retired -- she was very judicious with
7 reassigned time. She made sure that there was a specific
8 purpose for that and that we were indeed accountable for that
9 time.

10 For instance, before becoming Program Chair, I was
11 a Course Coordinator, ENC1101 Course Coordinator, which is
12 one of our foundational courses. Every student, except for a
13 few select A.S. programs, as required to take that course,
14 ENC1101. I was Course Coordinator for that.

15 Every year, at the beginning of the academic year,
16 I had to write down my goals for my Dean -- I'm talking about
17 Dr. Marge Banocy-Payne here -- write down my goals for her,
18 and then at the end of the year that would be part of my
19 post-year evaluation. I would have to give her an evaluation
20 of how I met those goals.

21 And the things that I was doing for Course
22 Coordinator, things like adjunct workshops -- I love
23 technology. I worked with the adjuncts on technology a lot,
24 teaching them our curriculum, if they need some help there.
25 So within those reassignments, of that list that was up

1 there, and the first one was Course Coordinator, there are
2 many that have very strict and very accountable outcomes.

3 Okay, so back to our teaching load. So generally
4 we teach 120 students. That's four classes of 30, unless the
5 faculty member opts for a fifth class, which he or she may
6 do. But as I said, the other option was spending our time in
7 our Learning Commons, working one-on-one with students.

8 May I see what the next slide looks like?

9 Q Sure.

10 A Okay, thank you. Here at the bottom -- I've
11 already really explained to you at the top. But here at the
12 bottom, each course -- and I'm talking about our first and
13 second level English courses. Now, English faculty cannot
14 teach just one course. So we could not have, under the
15 current formula, just one course. So we can't teach four
16 1101s or four 1102s. That's because it would not fit under
17 our current formula, which is okay. It's actually better
18 that way that we need to mix it up -- I'm sorry, I'm talking
19 too quickly.

20 SPECIAL MAGISTRATE: Take a deep breath. It's
21 late, but we're still going to listen to you.

22 THE WITNESS: Thank you. Thank you very much. So
23 we would teach the two courses, first level and second
24 level. And essentially this 600 essay total per
25 semester, 240 in-class essays, 360 out-of-class essays,

1 consider that in our English program we stress writing
2 as a process.

3 So we do not tell students sit down and write the
4 paper and it's due on Tuesday. We take them through an
5 entire process of writing, from reading about something
6 to talking about something to getting a direction and
7 claim down on paper, and we work through the whole
8 process. Each stage of that process, instructors
9 provide written feedback to the students.

10 So not only -- our class does not just exist
11 during that 50-minute time period or 75-minute time
12 period. But, rather, when we are sitting -- as I will
13 be doing later tonight -- responding to essays, we are
14 indeed communicating with our students. To me, that is
15 student contact, because we are influencing their next
16 steps in the course.

17 The reason that this, our current -- and what I
18 have been under for the last 18 years -- why this
19 current formula is indeed efficient and effective for us
20 is that because it gives our discipline, and as it does
21 some other disciplines, some flexibility because it
22 takes into consideration how we interact with the
23 student.

24 We're teaching communication. That needs to be
25 done one-on-one. If we're given five classes, it could

1 work if we do a lower cap. However, let's think, that
2 means five classes; that means we're in that classroom
3 more where we're standing in front of 25, whatever it
4 is, students. So -- and we're giving out information to
5 the masses.

6 What we're really waiting for is after that class
7 when those students come to us or those students go to
8 the Learning Commons, that we need to interact with them
9 one-on-one. So that is why our current system, for us,
10 is effective.

11 SPECIAL MAGISTRATE: May I ask a question?

12 THE WITNESS: Of course.

13 SPECIAL MAGISTRATE: Do you mind if I ask
14 a question right now? I'm trying to follow.

15 MR. WAZLAVEK: You're good.

16 SPECIAL MAGISTRATE: You're doing three classes,
17 120, 30 students each.

18 THE WITNESS: Four classes.

19 SPECIAL MAGISTRATE: Four classes, I'm sorry, 30
20 students each, and then you do your learning center or
21 Learning --

22 THE WITNESS: Learning Commons.

23 SPECIAL MAGISTRATE: -- Commons, tutoring.

24 THE WITNESS: Yes.

25 SPECIAL MAGISTRATE: It sounds like almost one

1 hour per student. You talked about examples; you do a
2 number of students --

3 THE WITNESS: Yes.

4 SPECIAL MAGISTRATE: -- one-on-one.

5 THE WITNESS: Yes.

6 SPECIAL MAGISTRATE: Under the system that exists
7 now, you could do five classes of 30, right, under the
8 formula?

9 THE WITNESS: Yes, and some folks opt to do that.
10 So they would not be --

11 SPECIAL MAGISTRATE: And that's even more essays
12 to --

13 THE WITNESS: Right, so they would not be spending
14 this three hours in the Learning Commons. That's right.
15 They do do that.

16 SPECIAL MAGISTRATE: Okay. Which is better?

17 THE WITNESS: It's better to have that flexibility
18 in there. It's better for us to have -- again, we --
19 our classes, I do not believe -- and this is what I tell
20 my students. ENC1101 isn't just Tuesdays and Thursdays
21 from 9:30 to 10:45. You take this home with you, you
22 need to work on it there, you need to come to me during
23 office hours.

24 So having that extra time, having made the four
25 classes with the larger number in class, but more time

1 outside of class to work with those student, that works
2 better for me.

3 SPECIAL MAGISTRATE: So there's flexibility in
4 your schedule?

5 THE WITNESS: There is some, yes.

6 SPECIAL MAGISTRATE: And as I understand it -- I'm
7 not using the right words -- you're department head, or
8 you're --

9 THE WITNESS: I'm Program Chair.

10 SPECIAL MAGISTRATE: -- Program Chair gives you
11 that flexibility?

12 THE WITNESS: And the faculty have that, too.
13 It's not just me.

14 SPECIAL MAGISTRATE: The faculty, yeah, whatever.
15 So what would you not like about the proposed system by
16 the college?

17 THE WITNESS: It's going to --

18 SPECIAL MAGISTRATE: What's the problem with that
19 for you?

20 THE WITNESS: It's going to put me in front of the
21 class --

22 SPECIAL MAGISTRATE: Because they talk about
23 flexibility, too, right?

24 THE WITNESS: Sure.

25 SPECIAL MAGISTRATE: And you have some -- you're

1 telling me I have flexibility now. Some may opt to do
2 five classes, some elect to do this; there's some
3 flexibility. What's the problem with, as you see it,
4 from your perspective, with their proposal then?

5 THE WITNESS: Well, it will put me in front of the
6 class more. Now, granted --

7 SPECIAL MAGISTRATE: How do you know that?

8 THE WITNESS: Well, it's going to five classes, so
9 instead of me being --

10 SPECIAL MAGISTRATE: So you mean that they would
11 eliminate the Learning Commons?

12 THE WITNESS: Yes, sir.

13 SPECIAL MAGISTRATE: How do you know that? I'm
14 not trying to be argumentative, but I'm hearing over
15 there there's flexibility; we don't know what we're
16 going to do, but at the same time I can see how this
17 system works for you now. Go ahead.

18 THE WITNESS: I would be delighted if we still had
19 the option to do time in the Learning Commons.

20 SPECIAL MAGISTRATE: Okay.

21 THE WITNESS: I think that when the English
22 faculty are able to see what's happening also across
23 campus -- I mean, we're brought writing assignments from
24 history, from nursing, from all across. That -- and
25 there's been instances -- and this has happened multiple

1 times that I can remember in my years here -- there
2 might have been a very confusing assignment, and we were
3 able to work with an instructor and clarify that
4 assignment for the student. And the faculty member
5 actually welcomed the feedback. So I would be delighted
6 if we still had that option.

7 One of the reasons -- where I come from, I come
8 from -- I have a developmental studies background. I
9 taught developmental studies reading and developmental
10 studies English, and I very much enjoy working
11 one-on-one with students. So if we still had that
12 option, that would be terrific.

13 SPECIAL MAGISTRATE: But I guess what I'm hearing
14 is you're not sure that's going to be there?

15 THE WITNESS: That's uncertain to me, sir, yes,
16 sir.

17 SPECIAL MAGISTRATE: That's what I heard, and
18 I heard that with the other witness. You do -- you
19 currently actually perform -- perform -- instruct -- I'm
20 using layman's terms, I'm sorry, I don't do that line of
21 work -- four classes of 30 students?

22 THE WITNESS: I personally do not, again, because
23 I'm very grateful for the reassigned time that I have
24 because I'm Program Chair.

25 SPECIAL MAGISTRATE: Okay, I thought the example

1 was four, 30?

2 THE WITNESS: Yes, that is the usual. That is
3 what -- that's the usual.

4 SPECIAL MAGISTRATE: You're talking about that's
5 typically what your teachers -- the teachers --

6 THE WITNESS: Exactly, yes, sir.

7 SPECIAL MAGISTRATE: -- the professors, the
8 instructors do, is 30?

9 THE WITNESS: Exactly, yes.

10 SPECIAL MAGISTRATE: We're not looking at your
11 case specifically.

12 THE WITNESS: Exactly.

13 SPECIAL MAGISTRATE: Okay, because I assume you'd
14 all come out to be exactly 30. It sounds like you have
15 a 30 already, but -- you don't?

16 THE WITNESS: Well, 30, yes, in English, we
17 certainly do. It's 30.

18 SPECIAL MAGISTRATE: You do? It's set at 30?

19 THE WITNESS: Well, it's fluctuated up a little
20 bit in some instances when we've had a student
21 situation, we couldn't find a place for a student, a
22 student was put into a class, but it's certainly nothing
23 that repeatedly occurs.

24 SPECIAL MAGISTRATE: So in your discipline 30 is
25 kind of the standard already, in yours?

1 THE WITNESS: Yes. And I just, as a matter of
2 fact --

3 SPECIAL MAGISTRATE: And I just heard one where it
4 was far from that.

5 THE WITNESS: Well, I, as a matter of fact, just
6 came back from a summit in Fort Lauderdale for English
7 course leaders, and I able to visit with English Program
8 Chairs from across the country. When we all said, well,
9 what's your cap, how many do you have, and I said, oh,
10 we have 30, they gasped. And then they said, well, how
11 many classes do you teach? I said, well, four or five.
12 And they said, oh, okay.

13 Then I said, what's your cap? And they said, oh,
14 well, we have 18. Really? Then I had others who said,
15 well, we have 22. And again, this is across the
16 country, this is not just Florida, so, yeah.

17 SPECIAL MAGISTRATE: Okay, good, I was trying to
18 understand those things. Thank you. I'll let you
19 repair any damage I've done and he's going to get his
20 shot, but I'm just trying to understand their story and
21 what that means.

22 MR. WAZLAVEK: That's why we brought them here.

23 SPECIAL MAGISTRATE: I know.

24 MR. WAZLAVEK: We wanted you to see it. Go ahead.

25 MR. BALINSKY: I have a question for Brenda.

1 You're currently Program Chair, so you teach three
2 classes of 30, is that correct?

3 THE WITNESS: I teach two classes under my usual
4 load.

5 MR. BALINSKY: Okay. Now, let's just assume you
6 were not Program Chair or you were not working in the
7 Learning Commons. So you would -- how many -- and you
8 were teaching five classes. According to the loading
9 formula, assuming 150 student, how large would your
10 classes be?

11 THE WITNESS: We would have 25.

12 MR. BALINSKY: For 150 students, if you were
13 teaching five classes, how many students would be in
14 each class?

15 THE WITNESS: We'd have 30.

16 MR. BALINSKY: Okay. According to the proposal --
17 you're on the bargaining team, so you're familiar with
18 the proposals from the administration. According to
19 their proposal of five classes, how many students would
20 be in your class?

21 MS. HEEKIN: 150.

22 MR. BALINSKY: Do you know how many would be in
23 your class?

24 THE WITNESS: Well, we don't know. We don't know.

25 MR. BALINSKY: Okay. I don't know, either.

1 That's my point.

2 THE WITNESS: Yes, we don't know. And that's -- I
3 think that's part of the uncertainty.

4 MR. BALINSKY: And that's -- no further questions.

5 BY MR. WAZLAVEK:

6 Q Do want to speak to that any?

7 A I would actually like to. So HB-1720 -- and I
8 can't remember if the HB is supposed to be Senate Bill or
9 House Bill.

10 Q House Bill.

11 A Thank you. So it is House Bill, which is allowing
12 underprepared students to opt out of developmental,
13 foundational courses. There are certain populations only
14 that are exempt from this. Because, however, of that new
15 ruling, ENC1101, in particular, is seeing students who are
16 gravely lacking in college level skills.

17 So we have taken some steps in ENC1101 to create
18 resources for these students, but certainly our curriculum --
19 teaching our curriculum has become more challenging.

20 TCC already exceeds NCTE college level enrollment
21 suggestion, which is 20 to 22 students per class, and
22 students taught per semester not to exceed 100. So we
23 already exceed that. And again, with five classes of 22, or
24 whatever number that would be, we'd still be exceeding it.

25 Challenge of teaching and writing course content,

1 grammar, and documentation, those are the areas that we teach
2 in this class. Everything seems to be thrown into ENC1101.
3 Class size, shapes, the quality of writing instruction at all
4 levels, including college -- and smaller classes are indeed
5 essential for students to get sufficient feedback on multiple
6 drafts. Not surprisingly, smaller writing classes increase
7 retention at the college level, and the citation was taken
8 out of there, but that was cited. And as a result, student
9 retention drops.

10 So we would hope that if we did go to the five
11 class model that we would be able to significantly reduce the
12 number of students in the courses.

13 MR. WAZLAVEK: Anything else?

14 THE WITNESS: No, I don't think so.

15 MR. WAZLAVEK: Okay. Then that's yours? All
16 right, all yours, Mr. Crosland.

17 MR. CROSLAND: No.

18 SPECIAL MAGISTRATE: Thank you. I don't have
19 anything else.

20 MR. WAZLAVEK: Now you can go.

21 THE WITNESS: Now I can go?

22 SPECIAL MAGISTRATE: Yes.

23 THE WITNESS: Thank you.

24 SPECIAL MAGISTRATE: Waited all day; I just
25 thought you were just interested in this.

1 THE WITNESS: No, sir. Thank you.

2 (Witness excused)

3 MR. WAZLAVEK: Okay, I need to call --

4 MR. LUTZ: Am I next? Make sure I'm next.

5 MR. WAZLAVEK: Make sure you're next? All right.

6 SPECIAL MAGISTRATE: Good afternoon.

7 MR. LUTZ: Good afternoon.

8 Thereupon,

9 BOB LUTZ

10 was called as a witness, having been first duly sworn, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WAZLAVEK:

14 Q All right, Mr. Lutz, state your name for the
15 record.

16 A It's Bob Lutz.

17 Q Lutz? I'm sorry.

18 A That's all right, that's all right, everybody
19 calls me Lutz. I am Bob Lutz, Professor of oceanography, is
20 my main topic, environmental science, and earth science.

21 Q And how long have you worked for TCC?

22 A I'm in my eighth year.

23 Q And are you active in any organizations?

24 A I am, I'm the Treasurer of the UFF Chapter.

25 Q And do you also serve on the bargaining unit?

1 A I do.

2 Q Could you tell us a little about your workload,
3 your --

4 A Okay, my workload is typically I do 12 contact
5 hours, and I also have 20 percent reassigned time for new
6 faculty facilitator, which is where I work with the new
7 faculty coming in, in that program, over in the Center for
8 Professional Enrichment.

9 Q Okay. And how many courses do you normally teach?

10 A Normally, four.

11 Q Okay. And how many students do you have?

12 A 160, somewhere between 160, 165 each semester.

13 Q Okay. And how would -- if the college adopted the
14 funding formula that -- or the funding process that they are
15 proposing, what impact would that have on your teaching load?

16 A The five class model would significantly increase
17 my load. You know, in science, I look at -- you know, we
18 need a lot of time for developing innovative strategies,
19 labs, hands-on experiences, and we do a lot -- in that
20 division we do a lot with higher order thinking and creative
21 assessments.

22 We used to use those discipline-wide amongst
23 Professors, and those take a lot of time to develop, and they
24 take even more time to grade. So an additional class would
25 definitely -- it would hinder student success because of

1 that.

2 Q And the kind of courses you're teaching, the
3 material you were just talking about, is that a lot of
4 individualized instruction?

5 A Say that again.

6 Q The kind of courses that you're teaching, the
7 teaching strategies you were just talking about, are there --

8 A Yeah, there's a lot of group -- there's a lot of
9 group instruction and individualized instruction, yes.

10 Q Okay. And, now, you heard the Provost's
11 presentation, correct?

12 A Yes.

13 Q What is your opinion about its feasibility and
14 particularly as it applies to your division?

15 A As a five class? It would -- again, it's
16 definitely going to hinder things. You know, I look at it as
17 the way -- when this all kind of came down, looking at our
18 class load and then our additional things that we do for our
19 workload, and in conjunction with all of this, it's kind of
20 like a free class. It's like we're being asked to do
21 something without pay, for free.

22 MR. WAZLAVEK: Martin, do you have anything?

23 MR. BALINSKY: No.

24 THE WITNESS: And again, I bring in pay, but
25 student success is my top priority. Like I didn't come

1 into this for the money, either. It's about getting --
2 I put higher order learning up there because I feel
3 that's what science is all about. It's about getting
4 our students to be productive members of society. And
5 scientific thinking is critical thinking is higher order
6 learning, and you simply can't do that with too many
7 students.

8 You can't get them -- you know, we use something
9 called Bloom's taxonomy to gauge where -- Bloom's
10 taxonomy. It's kind of a pyramid. It's a tool that we
11 use to gauge our students coming out of our class
12 knowing something or can they take something that
13 they've learned in our class and apply it. Can they
14 take a packet of information and evaluate it. And
15 that's really important to us in science.

16 And when you add on students, you simply can't get
17 at that. You can't simply give multiple choice test
18 assessments and gauge higher levels of Bloom's taxonomy.
19 So that, to me, is the big thing.

20 MR. BALINSKY: So with more students,
21 significantly more students, would you no longer be able
22 to do all those hands-on --

23 THE WITNESS: No. No. The labs take planning,
24 the mapping activities we do take resources and planning
25 and time. Time is the main -- when you look at this,

1 time is -- in all the disciplines time is the main
2 factor, when you look at how long it takes to grade a
3 written paper, how long it takes to grade a lab report
4 or a science activity in class. It takes a lot more
5 time. We can't simply just use multiple choice
6 assignments for that and take it over to the Scantrons
7 and get that accomplished.

8 MR. BALINSKY: So if you were to have a hundred
9 more students added to your load, for example, would
10 that be best practice --

11 THE WITNESS: No.

12 MR. BALINSKY: -- and what is best for the
13 student?

14 THE WITNESS: No. No. No, you -- no.

15 MR. WAZLAVEK: Anything else?

16 MR. BALINSKY: That's it.

17 MR. CROSLAND: I've got one question.

18 SPECIAL MAGISTRATE: Sure.

19 CROSS EXAMINATION

20 BY MR. CROSLAND:

21 Q I'm assuming your answer would be the same as Jen
22 Robinson's, and the other lady. You don't know that there
23 would be more students?

24 A But we --

25 Q Just yes or no.

1 A Well, we don't know how many students, period, is
2 the problem. I want to know, too, because it determines how
3 I do my job, and I want to do my job well, I really do. I
4 think all of us do here.

5 Q But none of you are testifying that the college's
6 formula would result in you teaching more students, are you?

7 MR. BALINSKY: So why would you not want the class
8 size --

9 BY MR. CROSLAND:

10 Q Or the class size would get bigger, let me put it
11 that way. None of you are saying that this would
12 automatically result in the class sizes getting bigger, are
13 you?

14 A No, but at the same time we don't have it written
15 on paper, either. We need it written on paper so that we
16 know --

17 Q Okay, that's good.

18 A -- what we're going to be doing. It's a -- you
19 know, it's a trust issue, too, you know, it really is. We
20 need class caps. I mean, if we don't have -- if we end up --
21 if I end up with five classes of 40 students, my students are
22 in trouble. They aren't going to succeed the way they would
23 in lower class sizes.

24 MR. CROSLAND: Thank you.

25 SPECIAL MAGISTRATE: I've got a question.

1 THE WITNESS: Sure.

2 SPECIAL MAGISTRATE: I'm slowly starting to
3 appreciate some of the issues here, because I haven't
4 done this. But the five class model, does that mean
5 that to you that the college is going to require all
6 teachers to teach five classes?

7 THE WITNESS: Yes.

8 SPECIAL MAGISTRATE: That's how you interpret
9 that? I haven't -- I don't think we've talked about the
10 five class model yet, have we?

11 THE WITNESS: In the very beginning --

12 SPECIAL MAGISTRATE: You're referring to the five
13 class model.

14 THE WITNESS: Oh, I'm sorry.

15 SPECIAL MAGISTRATE: I'm asking you, have we
16 covered that a lot, or talked about the five class
17 model? I keep hearing this term.

18 MR. CROSLAND: Well, with the 15 --

19 MS. HEEKIN: Contact hours.

20 MR. CROSLAND: -- contact hours, it's in our
21 proposal.

22 MS. HEEKIN: Five times three.

23 THE WITNESS: If I can comment --

24 MS. HEEKIN: But -- but we haven't gotten rid of
25 reassigned time.

1 MR. BALINSKY: It's 15 to 18, just to be clear,
2 it's 15 to 18.

3 MS. HEEKIN: Well, yeah, but that's because there
4 are some classes that because of the discipline the
5 regular -- how they should be working is at 18, you
6 know.

7 MR. BALINSKY: That's right, it's just you said
8 15, that's all.

9 THE WITNESS: In the very beginning of this there
10 was a PowerPoint that was presented to us by our Deans
11 and I believe the wording in it said faculty shall teach
12 five classes.

13 DR. MOORE-DAVIS: But that's not valid anymore.

14 MR. BALINSKY: Well, it's 15 to 18 credits, so if
15 it's a four-credit class, four times four --
16 (Multiple speakers; unintelligible)

17 SPECIAL MAGISTRATE: They used that term, the five
18 classes; you didn't use that term.

19 MS. HEEKIN: No.

20 MR. WAZLAVEK: Well, the legal requirement,
21 according to the Bolden Rule (phonetic) is 15 to 18
22 contact hours, contact hours being contact with
23 students. That typically then equates to three hours --
24 for a three hour credit course, that's three hours of
25 contact time. So three -- five courses times three

1 hours is 15. And so what the administration is
2 proposing is the 15 to 18 credit contact hours. And
3 when Professor Reid talked about her courses she teaches
4 plus the three hours of Learning Commons time, that
5 three hours was three contact hours.

6 SPECIAL MAGISTRATE: Yes. That doesn't
7 necessarily -- a contact hour doesn't necessarily mean
8 another class?

9 MR. WAZLAVEK: Correct. Correct.

10 SPECIAL MAGISTRATE: It does mean often four; in
11 her case it automatically becomes five, because they're
12 both contact hours?

13 MR. WAZLAVEK: Correct.

14 MS. HEEKIN: Yeah, she had two courses of three,
15 she had two reassigned times, right, so that's 12. And
16 then she had three hours of the Learning Commons.

17 SPECIAL MAGISTRATE: Those are all contact hours.

18 MS. HEEKIN: Correct, that's how you come up with
19 the contact hours.

20 SPECIAL MAGISTRATE: Contact hours does not
21 necessarily mean another class or classes.

22 MR. WAZLAVEK: Correct. In fact, the Board rule,
23 the State Board rule allows for that, and allows for
24 colleges to make adjustments to the 15 hour rule because
25 of the understanding that there are different kinds of

1 contact hours. But it still has to total up at least
2 15, according to the Board rule.

3 SPECIAL MAGISTRATE: What I hear him say, for
4 example -- and I'm not trying to single you out, I'm
5 just trying to understand this.

6 THE WITNESS: That's okay.

7 SPECIAL MAGISTRATE: You want me to understand
8 this; it's in everybody's interest that I understand
9 this. You're saying the five class model means that if
10 we go with the new proposal, it's a five class model and
11 I'm automatically going to get five classes.

12 My next question, that means -- you were saying
13 I'm going to get more students than I do now per
14 semester. I have four classes now, let's say, in this
15 scenario -- I have four classes, if I'm going to get
16 five -- the class level could go down, but I could just
17 get more students.

18 MR. WAZLAVEK: Right.

19 SPECIAL MAGISTRATE: I could just get more
20 students, and my gosh, you know, I've got enough time
21 grading papers and the other things I'm doing, in
22 preparing for classes. This is a lot more work and it's
23 at the detriment of what I do plus also the students
24 because I give them less quality time.

25 But I'm struggling with this term five class model

1 and contact hours. And bottom line, what I see, a lot
2 of this is just a trust issue. I don't know what this
3 new formula is really going to look like. I don't know
4 what it's actually going to be and what the language
5 will result in. That's just what I'm hearing a little
6 bit.

7 MR. WAZLAVEK: Yeah.

8 SPECIAL MAGISTRATE: I've heard that from this
9 side, particularly. They don't see an example of how it
10 would work.

11 MR. WAZLAVEK: It's a commitment to --

12 SPECIAL MAGISTRATE: Because we're not changing
13 it, we're still keeping the 15 -- is it 15 contact
14 hours?

15 MR. WAZLAVEK: Right. The requirement --

16 SPECIAL MAGISTRATE: We're still keeping that,
17 it's how it could come out differently, resulting in
18 more classes being taught and maybe less reassignments
19 in some areas. There's some unknowns whenever you
20 change from a new pay system, a new classification
21 system, a new evaluation system, a new -- there's
22 that -- I understand that now.

23 MR. CROSLAND: You never know until you --

24 SPECIAL MAGISTRATE: You never know.

25 MR. CROSLAND: Like the Florida Lottery says.

1 MS. HEEKIN: Exactly. There could be more
2 sections of less students.

3 SPECIAL MAGISTRATE: It could be smaller classes,
4 it could be greater classes.

5 MR. WAZLAVEK: But I think the faculty attitude
6 is, and there could be unicorns on the front lawn
7 tomorrow morning.

8 SPECIAL MAGISTRATE: I understand that, too.

9 MR. WAZLAVEK: And that's the problem.

10 SPECIAL MAGISTRATE: Yeah, it falls on them.

11 MR. WAZLAVEK: It falls on them.

12 SPECIAL MAGISTRATE: I understand that.

13 THE WITNESS: Can I say -- I just wanted to say
14 one thing about the loading formula, too, the one that
15 we currently use. When we've been in caucus during
16 bargaining and all that, one of the -- I've heard it
17 referred to as elegant, which I've never thought I would
18 hear referred that way. But when you look across
19 disciplines, it works really well.

20 One of the things I see about the proposed -- the
21 new proposed model is that, to me, it seems less fair
22 than the formula we use now, because it takes into
23 account -- one of the things we haven't talked about
24 here -- we don't have a math professor or a chemistry
25 professor, and when you look at those five contact hour

1 classes and four contact hour classes, those are a lot
2 more work.

3 So when you go beyond 15 contact hours -- let's
4 say a math professor gets a 17 contact hour semester.
5 That's really not fair to them. That's like -- unless
6 they're compensated for that, because classes like
7 calculus -- we have things called triple stacks that I
8 don't even understand, in chemistry, with their labs.
9 Like the chemistry professors keep coming and saying,
10 look, we've got to do triple stacks. How is that going
11 to factor into all this?

12 So as far as being fair to everyone, the loading
13 formula seems to be fair to all but for a few. In the
14 beginning it seemed like if we fixed the loading formula
15 for a few, it would have been a lot better than fixing
16 everything for everybody.

17 SPECIAL MAGISTRATE: Okay.

18 MR. WAZLAVEK: Mr. Crosland, do you have anything
19 else?

20 MR. CROSLAND: No.

21 SPECIAL MAGISTRATE: Thank you.

22 THE WITNESS: Thank you.

23 (Witness excused)

24 MR. WAZLAVEK: Last but not least, Mr. McDermott?

25 SPECIAL MAGISTRATE: Good afternoon.

1 MR. McDERMOTT: Good afternoon, or evening.
2 Thereupon,

3 PATRICK McDERMOTT
4 was called as a witness, having been first duly sworn, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WAZLAVEK:

8 Q All right, Mr. McDermott, state your name for the
9 record.

10 A Patrick McDermott.

11 Q And where do you work?

12 A TCC.

13 Q In what capacity?

14 A I'm an Assistant Professor, but I am the Program
15 Coordinator and Program Chair -- Program Coordinator of FYE
16 and Program Chair of College Success.

17 Q Do you want to explain those two programs?

18 A So the -- yes, Jack of all trades. I teach but
19 I also am on reassigned time to head up a program here at
20 FYE, part of the academic side of the house. And I'm also
21 the Program Chair of the College Success, which oversees
22 college success, leadership, and career planning, so --

23 Q And let's take a look at your -- all right, talk a
24 little bit about your class size.

25 A Okay. So, now, this does not preface for me,

1 because I have been on reassigned time on the record since
2 fall of 2014 for multiple roles. But this would be a typical
3 situation for someone who teaches in my area. So our classes
4 are college success, SLS1510, SLS2261, and SLS1301. So there
5 is a mixture of what that would look like. So what that
6 would look like for someone who teaches in student success,
7 or SLS, would be two college success courses, and then two of
8 the leadership courses.

9 But then there's also -- we are assigned our
10 reassigned time -- I'm sorry, reassigned time, three hours
11 a week, in either the Career Center, Advising Center, or
12 Learning Commons, depending on our expertise. So when I was
13 in the classroom full time, I would be in the Career Center
14 when I first started and I would work three hours a week with
15 the Career Center staff, and I'd be up there for three hours,
16 accountable, it was part of my professional growth plan, TMS,
17 whatever we want to call that, so --

18 Q All right. Now, you get -- how much reassigned
19 time do you have?

20 A I have 80 percent reassigned time.

21 SPECIAL MAGISTRATE: How much?

22 THE WITNESS: Eighty percent.

23 BY MR. WAZLAVEK:

24 Q And in addition -- you teach three courses in
25 addition to --

1 A I do not, no. I teach one course as part of my
2 teaching load, and I do take an overload.

3 Q All right. Okay. And so the 80 percent
4 reassigned time, what are the two specific duties that you're
5 fulfilling?

6 A Okay, there's actually three, but that's okay.

7 Q That's fine.

8 A So I'm the Program Chair of the College Success
9 program. We have about 40 adjuncts, on average.

10 Q Okay, but what is that program?

11 A So the College Success program oversees SLS
12 courses, Student Life Skill courses, under BSSE, the
13 Behavioral Social Sciences Division. And there's eight --
14 actually seven full-time faculty, including myself, but we
15 have about 40 adjuncts, give or take, each semester.

16 Q And your job is to what, coordinate --

17 A To coordinate all of that with the Associate Dean
18 and Deans, to make sure that we're working with Student
19 Affairs, we're working with Academic Affairs, we're doing
20 different initiatives throughout the institution, making sure
21 I'm communicating that with the adjuncts. So that is 20
22 percent of my week, okay?

23 Q All right.

24 A Then 40 percent of my week is to work with FYE
25 program, which is the First Year Experience program. We had

1 our first iteration last year. We're doing our second
2 iteration this year, and I'm working with Student Affairs,
3 Academic Affairs, to develop a program or to reenergize a
4 program that will start this fall. And then another 20
5 percent -- oh, I'm sorry.

6 Q I just wanted to clarify one thing. When you're
7 talking about First Year Experience, this is new faculty,
8 correct?

9 A No, no, this is with students. This is with
10 students. This is -- when a student comes to Tallahassee
11 Community College, we are going to give them an experience
12 for a full year, and this is what this means to be a TCC
13 student, and this is what they're going to be experiencing.

14 Q Okay, go ahead.

15 A And then the last 20 percent is I am the Gen Head
16 (phonetic) Coordinator, and I'm assisting with mapping. And
17 I oversee that with Academic Affairs, in working with
18 faculty, Faculty Senate, and steering, to make sure we have
19 12 maps by the end of this academic year done and up and
20 running, so --

21 Q You say 12 maps --

22 A Maps, I mean academic programs, in terms of our
23 students. If I want to be a business major, these are the
24 courses that they would need to take to be successful and on
25 that path, so -- that is my job, so --

1 Q Okay. So you were kind of the extreme example.

2 A Okay, yes, I am the extreme, and I'm not
3 presenting that today, but I am presenting what my colleagues
4 do in the Student Success Center, or the student success
5 courses. So what they would do, 15 contact hours are four
6 classes, and they do the three hours of reassigned time,
7 okay?

8 Now, we are really -- when I first started here
9 back in 2003 as an adjunct -- and in many roles before
10 here -- we taught students at 25. That was the class cap at
11 25 students. It has gradually gone up. On average we're 30,
12 but sometimes -- what I mean by average, if you look at our
13 numbers, our average class size could be -- is 30, but
14 sometimes it ranges from 32, 30, 28. But it's gone up over
15 the past 15 years that I've been here.

16 So currently I would say on average our SLS
17 leadership, our career planning classes, are at 30. But it
18 has gone up over the years so -- okay? And we are high touch
19 faculty, okay? We are high touch faculty.

20 Q What does that mean?

21 A So we do things hands-on with our students. We're
22 engaging in the classroom, we're engaging outside the
23 classroom. They -- we do service learning projects like my
24 students, when I'm teaching my leadership class, we are doing
25 three different learning projects within the community. I

1 mean, it is high touch with our students.

2 And then our students come to us not only in the
3 Career Center and the Learning Commons and advising -- and
4 I do want to preface this, that is not part of our advising
5 requirement, that is part of our teaching load. So it's a
6 little different than the ten hours that we're required to
7 do our advising hours. This is part of our teaching load,
8 above -- that's part of our duties on a semester basis.

9 Q Okay, very good. And this, of course, represents
10 your current load?

11 A A typical load for someone. Not me, but someone
12 who teaches in my area, that's correct.

13 Q And is that the 15 hour contact --

14 A That would be a 15 hour contact model, yes.

15 Q How well do you think that model would work,
16 given --

17 A Well, you'd be taking us out of the -- the student
18 affairs aspect of things that we do.

19 Q Would it also eliminate your Learning Commons
20 time?

21 A Oh, yes, yes. I'm sorry, yeah. It would
22 eliminate all that piece.

23 Q All right. So I think that was your question,
24 whether any of that was true?

25 A Yeah, that's true.

1 MR. CROSLAND: If you're asking me --

2 MR. WAZLAVEK: No, sir, we know better than to ask
3 you anything.

4 SPECIAL MAGISTRATE: Do you want to cross? Do you
5 have any cross?

6 MR. CROSLAND: No, sir.

7 SPECIAL MAGISTRATE: Okay, thank you.

8 MS. HEEKIN: What -- oops.

9 MR. WAZLAVEK: That's fine. Do you want me to go
10 back to it?

11 MS. HEEKIN: No. Do you have a slide number for
12 that? I've got it. I'm here. I've got it.

13 MR. WAZLAVEK: No cross? That's it, I guess. If
14 everybody doesn't mind, I'd like to bring Brenda Reid
15 back on for just a quick minute just to add a little bit
16 of testimony.

17 (Witness excused)

18 (Brief recess)

19 Thereupon,

20 BRENDA REID

21 was recalled as a witness, having been previously duly sworn,
22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WAZLAVEK:

25 Q You heard the discussion about the issue of trust

1 that we keep hearing from the administration, questioning,
2 well, how do we know that everybody will be teaching five
3 courses. Do you have any personal knowledge of that that you
4 would like to share with us?

5 A Yes. And since I am representing the English
6 Department, and they knew that I was going to be discussing
7 our issues today, one issue that they did want me to make
8 sure that I brought to the table, with this kind of
9 uncertainty -- and which might give some insight into why we
10 feel the need to have some things just simply down on paper
11 in black and white in contract terms is because when this all
12 began, the English Department was indeed asked to alternate
13 to teach five classes one semester and four classes the next
14 semester. Meaning, with the five class, we would not have
15 the option to teach in the Learning -- or to tutor in the
16 Learning Commons.

17 So that was just an issue that I was urged to
18 bring to the floor here, and given our discussion about that,
19 again, that just might give a little bit more insight into
20 why we would like to see that type of number in a contract.

21 Q What was the reaction among the faculty when they
22 heard that they were being asked to teach five one semester
23 and four the next?

24 A Well, that was when we actually collectively
25 penned a letter to Dr. Moore-Davis regarding what we were

1 currently doing, in terms of paper load, in terms of grading,
2 and quantifying all that, and then we unionized, and it
3 stopped.

4 MR. WAZLAVEK: All right, that's all we had. I
5 just wanted to give her an opportunity to state that.

6 SPECIAL MAGISTRATE: So we understand, are you
7 saying no?

8 MR. CROSLAND: No, sir.

9 SPECIAL MAGISTRATE: All right, thank you.

10 (Witness excused)

11 MR. WAZLAVEK: All right, and I'd like to call,
12 the last witness for the day, I'd like to call
13 Mr. Balinsky back to the stand.

14 MR. BALINSKY: I think I can take the mouse, if
15 I aim right. I'll aim behind you, Tom, I think. If
16 not, I'll pass it on to Tom.

17 Thereupon,

18 MARTIN BALINSKY

19 was recalled as a witness, having been previously duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WAZLAVEK:

23 Q And he's going to just give us a short slideshow
24 presentation.

25 A So the synopsis, and the last presentation for the

1 day, can the 15 contact hour model work. Okay, here we go.
2 And, maybe, if we have 150 students per professor, maximum,
3 per semester, if we have class caps of no more than 30
4 students, okay? As it states there, 15 contact hours,
5 representing our faculty members' obligation to the college,
6 but with 30 students, okay? And for the health care program
7 faculty, if we have, again, no more than 150 students. Okay?

8 SPECIAL MAGISTRATE: So, real quick --

9 THE WITNESS: Yes?

10 SPECIAL MAGISTRATE: -- what you're saying here is
11 five classes, 30 students cap, everyone could get 150
12 students.

13 THE WITNESS: Yes. That would work.

14 SPECIAL MAGISTRATE: You think that would work?

15 THE WITNESS: Yes.

16 SPECIAL MAGISTRATE: The question was, can it
17 work.

18 THE WITNESS: Yes, we think it can, and it will.

19 SPECIAL MAGISTRATE: Go ahead.

20 THE WITNESS: But it can't work if -- uh-oh.

21 MR. WAZLAVEK: Jim, you're holding up progress.

22 THE WITNESS: No, it's okay. It can't work, by
23 contrast, if, for example, Professor Robinson had her
24 same numbers of preps, but with 50 students in each
25 prep. Two hundred fifty students, a 100 student per

1 professor increase, is not the best practice. And we
2 hear a lot about best practice.

3 I think we've said quite a lot about this today
4 already, but just to reiterate that without the
5 assurances in the CBA of the numbers, then we can't
6 proceed with accepting the 15 contact hour model from
7 our side of the table.

8 CROSS EXAMINATION

9 BY MR. CROSLAND:

10 Q Could I ask you a question, Martin?

11 A Yes, you can.

12 Q The 50 students, you're just making that number
13 up, aren't you? There's no evidence that that would occur at
14 all.

15 A Well, I think that you've mentioned that
16 previously, that we're making a claim based on not knowing
17 that we would have 50 students, right?

18 Q So you could have put 20 up there instead of 50.

19 A But that's my point. We don't know that we
20 wouldn't have 50 students, right?

21 MR. WAZLAVEK: Lacking any assurances from the
22 administration about the size of class --

23 THE WITNESS: Right. We don't know that we would,
24 and we don't know that we wouldn't, and that is our
25 point.

1 MR. WAZLAVEK: I'm waiting for that unicorn on the
2 front lawn tomorrow.

3 THE WITNESS: Okay, so while the loading formula
4 should still be considered --

5 SPECIAL MAGISTRATE: Loading formula -- current
6 formula?

7 THE WITNESS: Current loading should still be
8 considered. I believe that Professor Lutz referred to
9 it as elegant. Multiple preps are accounted for. There
10 is flexibility in allowing for a reduction in students.
11 It is more difficult --

12 SPECIAL MAGISTRATE: Multiple preps? Explain to
13 me what --

14 THE WITNESS: Okay, multiple preps refers to
15 multiple different classes. For example, earth
16 science --

17 SPECIAL MAGISTRATE: Oh, okay, right.

18 THE WITNESS: Right. So total student volume
19 cannot exceed a specific number, and that allows for
20 best practices in the classroom. In other words, with
21 the loading formula, the way that it works,
22 mathematically, is if you have more classes, then you
23 have less students. If you have less students -- or if
24 you have less classes, then you have more students. And
25 therefore your attention as a individualized instructor

1 and student success is preserved, because you have
2 enough time, as we currently have, with all of the
3 accolades that Dr. Balog showed us about TCC, we're able
4 to continue to have our best practice in the classroom,
5 to do the great job that our professors do.

6 I'm unbelievably proud of our amazing faculty
7 here at this college, and we do not see why the current
8 formula is not working for our students. We truly do
9 not. And we love TCC, and we don't want to see it
10 become a place where student success is put towards the
11 back burner in return for saving of more dollars.

12 Okay, I think that's it. That's the last slide.

13 MR. WAZLAVEK: With that, I'll turn it over to
14 Mr. Crosland, if you want to cross.

15 MR. CROSLAND: Good night.

16 THE WITNESS: Okay. Time to hit it.

17 SPECIAL MAGISTRATE: Is that it for the night?

18 THE WITNESS: That's it.

19 (Witness excused)

20 SPECIAL MAGISTRATE: Okay, that's the close of
21 today's session. Tomorrow at 10:00. And you still have
22 more?

23 MR. CROSLAND: Yeah.

24 (Whereupon, the proceedings were recessed at 6:15 p.m.)

25 (CONTINUED IN VOLUME 3)

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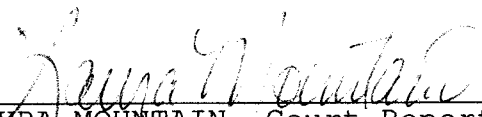
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Dated this 30th day of March, 2018.


LAURA MOUNTAIN, Court Reporter
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