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

TALLAHASSEE COMMUNITY COLLEGE
BOARD OF TRUSTEES,

VOLUME 4

and

Pages 339 through 462

UNITED FACULTY OF FLORIDA,

_____ /

PROCEEDINGS: IMPASSE HEARING
BEFORE: M. SCOTT MILINSKI
SPECIAL MAGISTRATE
DATE: Thursday, March 1, 2018
TIME: Commenced at 10:05 a.m.
Concluded at 6:15 p.m.
LOCATION: Tallahassee Community College
Hinson Administration Building
Tallahassee, Florida
REPORTED BY: MICHELLE SUBIA, RPR, CCR
Notary Public in and for
the State of Florida
at Large

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1 PROCEEDINGS

2 (CONTINUED FROM VOLUME 3)

3 SPECIAL MAGISTRATE: You've been previously
4 sworn.

5 Your witness.

6 * * *

7 Thereupon,

8 FELECCIA MOORE-DAVIS, Ph.D.

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

11 * * *

12 DIRECT EXAMINATION

13 BY MR. CROSLAND:

14 Q Doctor, you heard some testimony about these
15 Aspen prize winners?

16 A Yes.

17 Q And those were Santa Fe College and Valencia
18 College; is that correct?

19 A Correct.

20 Q Someone used the phrase yesterday I think
21 high-performing institution. Is that just a slang term
22 or there's actual meaning to that term?23 A Actually, there is a meaning to that term.
24 These are institutions that generally have a very high
25 success rate, completion rate, partnerships with their

1 communities that lead to gainful employment of their
2 students. And generally the academic climate is one
3 that supports the success of students.

4 **Q Okay. Let's talk about those two**
5 **institutions, Santa Fe and Valencia. Do you know what**
6 **the normal load contact hours is at those institution?**

7 A At both institutions it's 15 contact hours.

8 **Q And that's the same as what we would like to**
9 **achieve here, right?**

10 A Yes.

11 **Q How do you know that?**

12 A Well, there was actually research that was
13 done by our Associate Vice President for Institutional
14 Effectiveness. I also called the Provost or equivalent
15 Vice President at those institutions to inquire.

16 **Q Okay. And did you research or have her**
17 **research the issue of the completion rates at those two**
18 **institutions?**

19 A Both institutions lead Florida in completion
20 rates in the state of Florida.

21 **Q And, again, just for the record, what do you**
22 **mean by "completion rate"?**

23 A Completion rate, basically the students that
24 are graduating. And you can look at it various ways,
25 those that graduate within two years. But generally

1 the norm is those that graduate at 150 percent, and
2 those are the ones who graduate by three years,
3 complete an Associate Degree within three years.

4 **Q Okay. And did you also look at the issue of**
5 **success rate?**

6 A Yes.

7 **Q And for the Magistrate, what is that?**

8 A Their success rates of their students
9 completing coursework with an A, B, or C.

10 **Q Is what?**

11 A Completing coursework with an A, B, or C.

12 **Q This may have been covered, but this probably**
13 **is the biggest issue that we're talking about in this**
14 **proceeding. Do you have a reason for the Magistrate as**
15 **to why we want to change to the contact hour formula**
16 **we've proposed?**

17 A Well, some of which I discussed, but truly
18 the formula that we use, utilizing preps and student
19 contact hours, not contact hours but student contact
20 hours, drive class sizes upward, and we cannot continue
21 in that way anymore. The 15 contact hours allows us to
22 facilitate student engagement, student experiential
23 experiences and high impact practices within our
24 classroom, which the college is already moving in that
25 direction.

1 **Q Okay.**

2 SPECIAL MAGISTRATE: And just from a
3 layperson, you talked about that Santa Fe and
4 Valencia Community College having a 15 contact --
5 a load of 15 contact hours?

6 THE WITNESS: Yes.

7 SPECIAL MAGISTRATE: That's what you're
8 asking for?

9 THE WITNESS: Yes.

10 SPECIAL MAGISTRATE: That means no overloads?

11 THE WITNESS: No, it does not mean that.

12 SPECIAL MAGISTRATE: Okay.

13 THE WITNESS: They are still eligible for
14 overloads.

15 SPECIAL MAGISTRATE: But these do not include
16 overloads?

17 THE WITNESS: The 15 contact hours?

18 SPECIAL MAGISTRATE: Yes.

19 THE WITNESS: No, that's just their baseload.
20 An overload is always or should be --

21 SPECIAL MAGISTRATE: But does -- go ahead.
22 I'm sorry.

23 THE WITNESS: Considered extra?

24 SPECIAL MAGISTRATE: Yes.

25 THE WITNESS: So a faculty member can take

1 that, but with a part of their contract -- within
2 their contract is what the baseload is.

3 SPECIAL MAGISTRATE: What I'm thinking of is
4 not the term "overload," it's --

5 THE WITNESS: Extra teaching?

6 SPECIAL MAGISTRATE: Extra teaching.

7 THE WITNESS: Uh-huh.

8 SPECIAL MAGISTRATE: In other words, instead
9 of doing five three-hour classes, they could do
10 four three-hour classes and do extra teaching, is
11 that the term?

12 THE WITNESS: No.

13 SPECIAL MAGISTRATE: Or do advisory
14 counseling, tutoring?

15 THE WITNESS: Our proposal is that they will
16 do 15 contact hours and then there are the other
17 duties.

18 SPECIAL MAGISTRATE: Okay.

19 THE WITNESS: After they complete their --
20 after they have their 15 contact hours, faculty
21 become eligible for an extra teaching assignment.

22 SPECIAL MAGISTRATE: Okay. So I understand
23 and I have it on the record, what do you do now?

24 THE WITNESS: I almost have to go back to my
25 slides.

1 SPECIAL MAGISTRATE: Yeah, but I remember
2 seeing 15 hours there, too.

3 THE WITNESS: Yes. Generally -- and there
4 are two facets of the current formula. One you
5 have faculty that are by default they -- because
6 they teach in the smaller classes, by default they
7 teach 15 contact hours. And then you have the
8 faculty that because they are teaching in larger
9 classes and the enrollment is higher, these
10 faculty may teach 12 contact hours, and then they
11 are given an automatic reassignment.

12 SPECIAL MAGISTRATE: "Reassignment" is the
13 term.

14 THE WITNESS: And then they have an extra
15 teaching assignment.

16 SPECIAL MAGISTRATE: I.e., the one witness
17 who teaches an art class with 40, 50, 60 students
18 and then does tutoring as the other hours?

19 THE WITNESS: Yes, for the reassignment.

20 SPECIAL MAGISTRATE: And gets credit for
21 that?

22 THE WITNESS: Yes, toward the 15 hours.

23 SPECIAL MAGISTRATE: But you both have a
24 15-hour contract rule now?

25 THE WITNESS: There is a state rule, but

1 generally as a college our workload -- we have a
2 formula whereby it generates faculty generally
3 teaching below 15 contact hours because of the
4 number of enrollments they have.

5 SPECIAL MAGISTRATE: There you go. That's
6 what I want to understand. And that's not the
7 case in Santa Fe and Valencia, I'm hearing you
8 say?

9 THE WITNESS: Correct.

10 SPECIAL MAGISTRATE: Because they're both 15?

11 THE WITNESS: Correct.

12 SPECIAL MAGISTRATE: Got it. Sorry to
13 interrupt.

14 BY MR. CROSLAND:

15 **Q Let's talk about -- strike that.**

16 MR. CROSLAND: Just for the record,
17 Mr. Balinsky, again, we have begun referring to
18 overloads as extra teaching assignment -- they're
19 the same thing, okay -- as opposed to
20 reassignments?

21 MS. HEEKIN: No, extra teaching assignment is
22 the same as overload.

23 MR. CROSLAND: That's what I said.

24 MS. HEEKIN: Okay. I thought you said
25 reassignment.

1 MR. CROSLAND: As opposed to reassignment.

2 MS. HEEKIN: Okay.

3 SPECIAL MAGISTRATE: And I know I sound
4 pretty dumb, but on this subject I pretty much am
5 maybe because I haven't done this. So with the
6 professor witness we had yesterday with the large
7 class, that additional three hours was picked up
8 by a reassignment?

9 THE WITNESS: Yes.

10 SPECIAL MAGISTRATE: Okay. Not overload or
11 extra -- it was by an assignment? So when I hear
12 the word "reassignment," that is let's keep you
13 within the 15 --

14 THE WITNESS: That helps you meet the 15
15 contact hours --

16 SPECIAL MAGISTRATE: Meet 15 contact hours.

17 THE WITNESS: -- workload mandated by the
18 state. It doesn't negate a faculty member doing
19 an extra teaching assignment on top of that.

20 SPECIAL MAGISTRATE: Sure. And they can do
21 more?

22 THE WITNESS: Yes.

23 SPECIAL MAGISTRATE: But that 15 is the
24 minimum?

25 THE WITNESS: Yes.

1 MR. CROSLAND: And, in fact -- and I think,
2 sir, you're referring to the art history
3 professor?

4 SPECIAL MAGISTRATE: Yes. She has 60 in
5 class.

6 MR. CROSLAND: Yeah.

7 BY MR. CROSLAND:

8 Q In her case, if I remember -- and correct me
9 if I'm wrong -- she teaches three classes, she had two
10 reassignments?

11 A She has six hours of reassignment.

12 Q Yeah.

13 A However, to clarify, she also has an extra
14 teaching assignment and currently teaches 186 students.

15 Q All right. Now, let's talk about the
16 reassign time. Is our proposal to eliminate reassign
17 time?

18 A No, sir.

19 Q And, in fact, we have a whole section in our
20 work responsibilities article that addresses reassign
21 time and how you get it and how it works and how it's
22 assigned; isn't that correct?

23 A Correct.

24 Q So the object of this exercise and trying to
25 change the way we work here is not to obliterate

1 **reassign time for faculty?**

2 A No.

3 **Q Why do you feel -- and I think this was**
4 **testified to to some degree yesterday -- why do you**
5 **feel that the college needs better management or**
6 **accountability regarding reassign time?**

7 A Well, the current formula actually creates a
8 situation where the college is literally mandated to
9 give reassign time. So if a faculty member is within
10 load, it requires that we give that faculty member
11 reassign time, whether there is an institutional need,
12 student need, or any need for that at all.

13 **Q Because of the current formula?**

14 A Exactly.

15 **Q You back into reassign time?**

16 A Uh-huh.

17 **Q Is that a correct way to define it?**

18 A Exactly, we're backing into it. And just for
19 the record, faculty do some valuable things, but these
20 things must be taken into -- there must be a level of
21 accountability so that we can ensure that we're meeting
22 the needs of our students with the time that we have
23 faculty here.

24 SPECIAL MAGISTRATE: I want you to elaborate
25 more on what you just said, not about the

1 accountability but the current formula. How did
2 you say that?

3 THE WITNESS: Almost mandates it.

4 SPECIAL MAGISTRATE: Almost mandates it?

5 THE WITNESS: (Nodding head affirmatively.)

6 SPECIAL MAGISTRATE: Because why?

7 THE WITNESS: Because the formula -- TCC has,
8 I would say, about 25 classes that they seat over
9 50 students. In teaching in those rooms,
10 maximizing a class -- and I think we have one with
11 a capacity of 120. So technically the way the
12 formula works with student contact hours, a
13 faculty member probably could teach in there and
14 that would be it for what they would do that day,
15 okay, as far as teaching is concerned?

16 SPECIAL MAGISTRATE: Uh-huh.

17 THE WITNESS: So what we would -- then you
18 would have to -- in order to then meet the state
19 mandate, I would need to give that faculty member
20 reassign time, which should involve student
21 contact per statute, in order to make it appear
22 that they are actually doing 15 contact hours.

23 So what we would like to do is to be able to
24 use the 15 contact hours but be able to give
25 faculty reassign time that the institution needs

1 that has accountability and measurable outcomes.

2 SPECIAL MAGISTRATE: So what I hear you
3 saying is for an individual, someone who teaches a
4 large number of students and meets their numbers,
5 so to speak, just by doing that, that's not
6 particularly the person you want to give reassign
7 time to necessarily?

8 THE WITNESS: No, not necessarily. And the
9 formula, because it has been in place for so many
10 years, has created many of the issues that the --
11 and one being lack of accountability in the
12 institution that we have now.

13 SPECIAL MAGISTRATE: Okay.

14 BY MR. CROSLAND:

15 Q Well, you had a slide yesterday of all these
16 lists of reassignments?

17 A Yes.

18 Q Examples?

19 A Yes.

20 Q And those were generally -- and I'm just
21 asking this generally speaking, examples of
22 reassignments that did not necessarily have any
23 accountability or any real value to the college; is
24 that right?

25 A For those that we displayed yesterday, that

1 would be true, but they are -- I could also name others
2 that also have some validity.

3 **Q Sure.**

4 **A** However, lack of accountability even in
5 those.

6 **Q Okay. Would it be fair to say that another**
7 **way to summarize this issue -- and then I'll move on --**
8 **is that you as a ranking academic at the college want**
9 **to be more deliberate in reassignment, in administering**
10 **or giving reassignments as opposed to being forced into**
11 **it because of the current workload formula?**

12 **A** Uh-huh. That is correct. And I would just
13 like to add that in order for the college to move
14 beyond where it is as far as student success -- and we
15 can talk about all of the accolades that the college
16 has gotten, but we are average. When you look at
17 completion, when we look at success, we are average.
18 And if we are not intentional about it in how we use
19 faculty time, using their expertise where we need their
20 expertise, TCC will not move forward.

21 **Q Okay. Now, there was some testimony from**
22 **Martin about certain schools that use a formula, and**
23 **his point was that TCC is not the only school that uses**
24 **a formula, other schools use some type of load formula.**
25 **But I want to make sure this is specific for the**

1 **Magistrate.**

2 **It's true, isn't it, that no other community**
3 **college in the state of Florida uses the formula that**
4 **TCC currently uses?**

5 A That is absolutely correct.

6 **Q They may use some other kind of formula?**

7 A Yes. And quite frankly, to calculate faculty
8 load, you always need -- there is some math that is
9 involved so we're all using something. But we have the
10 only formula in Florida that yields faculty teaching
11 less than 15 contact hours.

12 **Q Okay. Let's talk about the current formula**
13 **at TCC. And I believe you said this yesterday, but I**
14 **just want to make the record clear. It is your opinion**
15 **that the current formula drives up class sizes?**

16 A Yes, sir.

17 **Q And how does that happen?**

18 A Well, generally, according -- when you are --
19 the formula focuses on contact hours and enrollment.
20 So the larger your enrollment, the more likely you are
21 to be within load. And that's where the challenge
22 comes in for me is because 15 hours becomes the
23 exception, so you have individuals that teach in
24 smaller classes like English and speech and our AS
25 programs, including health care, that will never make

1 load according to this formula. So the exception
2 becomes that, okay, well, you can't make load according
3 to the formula so you can just teach 15 contact hours.

4 SPECIAL MAGISTRATE: Small classes in terms
5 of size?

6 THE WITNESS: Yes.

7 SPECIAL MAGISTRATE: Can I interrupt?

8 MR. CROSLAND: Yes.

9 SPECIAL MAGISTRATE: So in other words,
10 you're saying those who teach in small classes.

11 THE WITNESS: Well, it has nothing to do
12 with --

13 SPECIAL MAGISTRATE: Small class sizes?

14 THE WITNESS: Yes.

15 SPECIAL MAGISTRATE: Makes it impossible for
16 them to meet the load?

17 THE WITNESS: Correct.

18 SPECIAL MAGISTRATE: So under your model,
19 they would be teaching additional classes?

20 THE WITNESS: Who would?

21 SPECIAL MAGISTRATE: The smaller.

22 THE WITNESS: In smaller classes?

23 SPECIAL MAGISTRATE: Yes.

24 THE WITNESS: It really wouldn't impact them
25 at all because they're already in a small

1 situation. So whereas we were talking about
2 English yesterday --

3 SPECIAL MAGISTRATE: How would they meet
4 their load then doing that?

5 THE WITNESS: Because it would be 15 contact
6 hours.

7 SPECIAL MAGISTRATE: Okay.

8 THE WITNESS: And they're already doing 15
9 contact hours.

10 SPECIAL MAGISTRATE: Okay. I see.

11 BY MR. CROSLAND:

12 **Q You probably just covered this in -- I can't**
13 **even pronounce that word -- in this conversation with**
14 **the Magistrate.**

15 SPECIAL MAGISTRATE: Go ahead and ask it
16 again.

17 MR. CROSLAND: Well, I can't pronounce the
18 word.

19 SPECIAL MAGISTRATE: I doubt that. Go ahead.

20 BY MR. CROSLAND:

21 **Q Our proposed formula -- and I apologize if**
22 **this is redundant, but it is your opinion that our**
23 **formula will, at least in most instances, reduce class**
24 **sizes?**

25 **A It should stabilize it. My concern, because,**

1 you know, it truly is a -- it has to be the philosophy
2 on the college, and it is my philosophy to decrease
3 class sizes. As far as class sizes at this particular
4 point, what I found when I took on the position here is
5 that my predecessor increased class sizes to assist
6 faculty in making load. That was based on some
7 documentation that I found from years ago.

8 When you level the playing field and it's 15
9 contact hours, it gives the college the freedom to then
10 find out what is the best practice for a person
11 teaching in this area, what is the number of students
12 to facilitate our success, because, as I have said, we
13 have a different student now than we had 15 years ago,
14 than we had ten years ago, and we need to be
15 intentional about how we address that. And we cannot
16 assume that the things that we have been doing are
17 going to be the things that will work for today's
18 students.

19 **Q You heard, I think it was Martin in one of**
20 **his slide presentations, use Mrs. Robinson's -- Jen's**
21 **schedule as an example?**

22 A Yes.

23 **Q And that in his opinion, it will result in**
24 **five courses, and it would result in an increase of 100**
25 **students, it would be 50 students a class, 250, which**

1 is substantially more than what she teaches now?

2 A Uh-huh.

3 Q Okay. And I think he admitted that there's
4 no proof of that, that was just what they thought would
5 happen?

6 A Uh-huh.

7 Q I want your thoughts on that to the
8 Magistrate.

9 A Well, it definitely will not happen because
10 it doesn't align with my values as Provost, it doesn't
11 align with my values as an instructor or previous
12 instructor, and just my values of how academic -- how
13 academics should run. That's just not -- we are not a
14 university. We do have some -- we have some areas
15 where we can seat 120 students, but we choose not to do
16 that. We choose not to put 120 students in a classroom
17 because it does not align with the community college
18 mission.

19 SPECIAL MAGISTRATE: Let me ask you along
20 these same lines before we go to the next step.
21 Jen is the individual I was talking about. Art?

22 THE WITNESS: Art, yes.

23 SPECIAL MAGISTRATE: She teaches a number of
24 large classes?

25 THE WITNESS: She does.

1 SPECIAL MAGISTRATE: And then she does -- but
2 she's not on overload status yet, right?

3 THE WITNESS: Currently this semester she is
4 teaching an overload --

5 SPECIAL MAGISTRATE: Okay.

6 THE WITNESS: An extra class.

7 SPECIAL MAGISTRATE: An extra class. But
8 let's say in your model, what would her situation
9 look like?

10 THE WITNESS: Because her classes are six
11 contact hours, she would still have the three
12 classes as her base.

13 SPECIAL MAGISTRATE: Okay.

14 THE WITNESS: And those classes, in my
15 opinion, I am not going to run art with 50
16 students in it because, quite frankly, it is
17 antithetical to what I would like to see happen in
18 the classroom. And it's very difficult to engage
19 students when you are wall-to-wall students. You
20 need to give faculty space to do that, they need
21 to have the ability to move around the room, to
22 shift the room, and to do various things to engage
23 the students. And she would still be eligible for
24 an extra class, should she choose to do it.

25 SPECIAL MAGISTRATE: So what would her

1 schedule look like? Would she have another class?
2 All the class levels would drop down sizes?

3 THE WITNESS: I would like to see all of her
4 classes be level.

5 SPECIAL MAGISTRATE: Level meaning --

6 THE WITNESS: And 50 is not level for me
7 because right now -- and I don't have it in front
8 of me, I can pull it up -- she has -- I think her
9 max class is like 55. And then she has others
10 that fluctuate between 35 and 40. So we don't
11 want to do that because, again, in doing that, it
12 also hinders me from planning for students to
13 enter those classes if I cannot -- you know, for
14 art I want to say -- I want to be able to tell
15 people, you know, there are 30 people in there, I
16 know how many sections I need, and I can predict
17 how many more sections I would need based on that.

18 Right now I have to consider faculty loading
19 first before I consider student capacity when in
20 actuality it should be the reverse. I should
21 always be considering students first.

22 SPECIAL MAGISTRATE: How do you get in a
23 situation where you're teaching the same class
24 number -- and I saw 55 and 40 for the same class
25 numbers.

1 THE WITNESS: Uh-huh.

2 SPECIAL MAGISTRATE: How does that happen?

3 THE WITNESS: It is literally --

4 SPECIAL MAGISTRATE: Is that because the
5 student selects the class?

6 THE WITNESS: No, it has nothing to do with
7 the student. It has everything to do with faculty
8 loading in this formula.

9 SPECIAL MAGISTRATE: Okay. You're just
10 trying to reach numbers?

11 THE WITNESS: Yes. And we're trying to -- we
12 need to be able to move to a point where we can
13 predict -- as we are planning now for fall, I need
14 to be able to project based upon high school
15 graduations, transfers we expect, applications we
16 are receiving, to predict how many sections of
17 English I'm going to need for next semester. But
18 first I have to go in and I have to calculate
19 faculty load, and then I have to come back and
20 then determine how many students I can serve
21 within the parameters that the workload forces
22 upon the institution.

23 SPECIAL MAGISTRATE: Okay.

24 MS. HEEKIN: I think Jen is a bad example
25 because she's got six --

1 SPECIAL MAGISTRATE: I'm listening to your
2 conversation because I can hear it.

3 MS. HEEKIN: Sorry.

4 SPECIAL MAGISTRATE: I'm not trying to do
5 that.

6 Go ahead.

7 BY MR. CROSLAND:

8 **Q Now, there was some discussion of this**
9 **yesterday, Jen Robinson, I believe the number was**
10 **around 180 students or something?**

11 A No, yesterday I think she noted -- and I
12 might be wrong -- but I think she noted like 150.

13 **Q I'm sorry, 150.**

14 SPECIAL MAGISTRATE: And she's kind of an
15 extreme example, I think?

16 THE WITNESS: No. It's pretty typical.

17 SPECIAL MAGISTRATE: Okay.

18 MR. BALINSKY: It's typical.

19 BY MR. CROSLAND:

20 **Q And Mr. Balinsky?**

21 A Martin, at this particular point, teaches 191
22 students.

23 **Q Okay. And I believe the other one that had**
24 **the high number was --**

25 A Now, that also -- that includes his overload.

1 And he's teaching five classes, Jen is teaching four
2 classes for 186 students, and Bob, as you recall, he
3 said he had 161 or 62 students.

4 **Q I was going to ask you about Bob next. So**
5 **162, 161?**

6 MR. CROSLAND: Is it 162, 161?

7 MR. LUTZ: I think I -- well, I've had a
8 couple of students withdraw and --

9 SPECIAL MAGISTRATE: Bob Lutz, L-u-t-z.

10 MR. LUTZ: -- the current numbers are
11 different. But when the semester began, I had two
12 at 41 and two at 40.

13 MR. CROSLAND: That's close, the 160, right?

14 MR. LUTZ: Yes.

15 BY MR. CROSLAND:

16 **Q Did they get these number of students**
17 **assigned to them or did they choose through the system**
18 **to teach this number of students?**

19 A Just so I can move through it very slowly,
20 when this --

21 THE WITNESS: Can I use your, Martin? Are
22 you okay with that?

23 MR. BALINSKY: Sure.

24 THE WITNESS: So he makes load, he makes load
25 with his four classes, he gets a reassignment and

1 then he chooses to do the overload. So he's doing
2 five contact hours of 191 students.

3 MR. BALINSKY: Fifteen.

4 THE WITNESS: I did say 15.

5 SPECIAL MAGISTRATE: But he chooses to --

6 THE WITNESS: He chose the additional three.

7 SPECIAL MAGISTRATE: He chose those under the
8 seniority?

9 THE WITNESS: The workload and --

10 SPECIAL MAGISTRATE: If he's the most senior,
11 he would get to pick how he wanted to do it first?

12 THE WITNESS: Well, and I did understand --

13 SPECIAL MAGISTRATE: Generally speaking.

14 THE WITNESS: -- Martin's point about
15 seniority. But it doesn't work like that in every
16 division, it simply does not. That is not a
17 standard that is valid across all divisions.

18 SPECIAL MAGISTRATE: Because?

19 THE WITNESS: It varied over the years. When
20 I got here, I thought some would use seniority and
21 some would use other methods in determining
22 various things regarding faculty, which is
23 something else I wanted to just bring consistency
24 across the divisions and how we do business
25 because we shouldn't be treating faculty

1 differentially on certain matters.

2 BY MR. CROSLAND:

3 Q Okay. You've heard Martin espouse on caps on
4 class size?

5 A (Nodding head affirmatively.)

6 Q Okay. And aside from our legal position that
7 it's not a mandatory subject of bargaining and we don't
8 have to talk about it, we are talking about it in this
9 proceeding.

10 And then you heard from Mrs. Reid, I think
11 was her name?

12 A Yes.

13 Q The English teacher?

14 A Yes.

15 Q And I believe there was some mention about
16 the size of the English classes yesterday. Would you
17 explain that, please?

18 A Yes. I think -- and, again -- and it's
19 unfortunate, but one of the things I heard very clearly
20 yesterday was a level of distrust and a level of fear.
21 And as far as English is concerned, we have -- there
22 are no plans to increase those class sizes. In,
23 actuality, this year the English faculty brought a
24 proposal to me to decrease their class size to 25 so
25 they could do intensive advising, in which I did that.

1 So many of them now are teaching 25, but they have
2 deliverables. So we're going to see if this actually
3 increases their success rate. And if it does, I have
4 told them that we would look at expanding the scope of
5 this and scaling it such that it impacts all of our
6 students.

7 **Q And that relates to your testimony that the**
8 **formula we are espousing will likely reduce class**
9 **sizes, correct?**

10 A It allows me to do that. But, you know, it's
11 based upon, again, we need to be intentional about
12 student success. It doesn't just happen. It is
13 something that we have to be intentional about.

14 So in the English case, they brought me a
15 case for student success, how they were going to get
16 their student success numbers up, and I can support
17 that. I don't have to be concerned whether they're
18 going to be in load if I decrease this. I can be
19 concerned about the student, which is what we should be
20 concerned about.

21 **Q Okay. I want to make sure I'm clear on this**
22 **and the record's clear. We heard testimony yesterday**
23 **from Patrick -- what's his last name?**

24 A McDermott?

25 **Q McDermott. And did I understand that**

1 **correctly, that he teaches one class that has four**
2 **reassignments?**

3 A Actually, he has several reassignments. And
4 he teaches two classes so he has 60 percent reassigned.

5 Q **Okay. Well, I think he said 80, so maybe**
6 **it's really 70.**

7 MR. BALINSKY: It's 80.

8 THE WITNESS: I'll have to look at it.

9 MS. HEEKIN: One is an overload and one is an
10 extra teaching assignment.

11 THE WITNESS: He does take on an extra class,
12 maybe that's where I got that.

13 MS. HEEKIN: So it's probably 20 percent one
14 class, 80 reassigned and one --

15 MR. BALINSKY: It's 40 and 40.

16 BY MR. CROSLAND:

17 Q **Now, most faculty -- just tell me if this is**
18 **a true statement or not -- most faculty already teach**
19 **five classes; is that right?**

20 A Yes. According to the data, 80 percent of
21 them do.

22 Q **Okay. I'm not sure I'm right; four or five?**

23 A Five.

24 Q **Is that through --**

25 A That's overload.

1 Q That's because they have typically one
2 reassignment and then an overload, right?

3 A Correct.

4 Q I just wanted to make sure. So just not to
5 belabor this too much longer and to summarize this --
6 and I'm just going to throw out this number, and tell
7 me if I understand any of this remotely -- and that is
8 a hypothetical, you teach three classes, you have two
9 reassignments and you have an overload?

10 A Yes.

11 Q I mean, that's not uncommon, right?

12 A No, it isn't.

13 Q So that's a total of six in a sense, right?

14 A Uh-huh.

15 Q Now, in the case of Mrs. Robinson, if we went
16 to our system and we went to five three-hour classes,
17 that would be five, five, five -- I'm sorry, it would
18 be five classes -- she would still be eligible for an
19 overload, wouldn't she?

20 A She would. But understand that Mrs. Robinson
21 also -- her classes are six contact hours.

22 Q Okay.

23 MS. HEEKIN: So she's not a good example.

24 BY MR. CROSLAND:

25 Q Okay. Well, give me a good example on that

1 **comparison then.**

2 A Well, if I could hit on Martin again.

3 MR. BALINSKY: The classes are --

4 MR. CROSLAND: You're not testifying so let
5 her --

6 MR. BALINSKY: Okay. But that's incorrect.

7 MR. WAZLAVEK: We'll get it in cross.

8 BY MR. CROSLAND:

9 **Q Go ahead.**

10 A The studio art are six contact hours. So for
11 Jen, just like other faculty, if there are three credit
12 hours, three contact hours, then it would mean five
13 classes at three contact hours each.

14 **Q All right.**

15 A A week.

16 **Q Okay. So the bottom line, again -- and I'll
17 get off Jen in a minute -- under our formula she would
18 have to teach more classes but not necessarily more
19 students, and maybe even less?**

20 A That is correct.

21 **Q All right. There was some testimony
22 yesterday about discussion of this workload formula
23 prior to organizing and the unionization of the faculty
24 here, I'm talking about workload issues.**

25 A (Nodding head affirmatively.)

1 Q And I'm specifically talking about in the
2 early part of 2016; is that correct?

3 A That is correct.

4 Q And how did that come up? How did that
5 start?

6 A Oh, we have to relive that?

7 Q Just for a day, I hope.

8 A In the time that I had -- coming onboard in
9 2015, I had lots of questions. Essentially I am
10 responsible, ultimately responsible for faculty
11 workloads and faculty -- just faculty in general on the
12 campus. So as I was looking at the workload, how we
13 were doing it, what things we were doing and asking a
14 lot of questions of a lot of people, I just found the
15 workload was very -- left me with lots of concerns and
16 lots of questions. So I wanted to -- well, I wanted
17 the campus to consider another model of doing workloads
18 because I did see, again, some inequity between
19 divisions, in divisions, who was teaching 15 contact
20 hours, some people I was paying to teach 15 contact
21 hours and so on.

22 So I moved the discussion to the divisions
23 for the Deans to have those discussions with the
24 faculty and bring back the concerns about shifting the
25 workload. Those discussions literally failed and

1 subsequently it just became -- it became very chaotic.
2 There was no listening at that particular point and the
3 faculty soon thereafter decided to unionize.

4 Q All right. We're still talking preunion
5 here, okay?

6 A Okay.

7 Q Now, there was and is a so-called Faculty
8 Senate, correct?

9 A Yes, there is.

10 Q Okay. And at the time, generally speaking,
11 discussions with the faculty involved them to some
12 degree? I mean, there was no union, right?

13 A No, there was not.

14 Q Okay. Now, do you know a Frank Baglione?

15 A Yes, I do.

16 MR. CROSLAND: For you, Madam Court Reporter,
17 it's B-a-g-l-i-o-n-e, Frank.

18 BY MR. CROSLAND:

19 Q In the spring of 2016, what position did
20 Mr. Baglione have, aside from being a professor at the
21 college?

22 A He was Faculty Senate President at that time.

23 Q Okay. Are you in possession of any
24 correspondence from Mr. Baglione regarding the issue of
25 a possible change in the workload formula?

1 A It was discussed. And at the time he was
2 Faculty Senate President, we had several conversations
3 about it.

4 **Q Okay.**

5 MR. CROSLAND: I think this would be College
6 16.

7 MS. HEEKIN: Correct.

8 (TCC Exhibit No. 16 was marked for
9 identification.)

10 SPECIAL MAGISTRATE: I've got 15.

11 MS. HEEKIN: No, 15 was the Article 28, the
12 article from the union and from the city --
13 college.

14 MR. CROSLAND: I think it's 16.

15 SPECIAL MAGISTRATE: Okay, 16.

16 MS. HEEKIN: Yeah, I've got 16.

17 MR. WAZLAVEK: College 16.

18 MS. HEEKIN: I believe I wrote it down there.

19 MR. WAZLAVEK: Yeah, you did.

20 BY MR. CROSLAND:

21 **Q If you'll take a look at this document,**
22 **Dr. Moore, are you familiar with this document?**

23 A I do recall it.

24 **Q And in this document --**

25 MR. WAZLAVEK: Before you go any further, can

1 we take a minute to read this first?

2 MR. CROSLAND: Sure.

3 (Whereupon, the record was paused.)

4 BY MR. CROSLAND:

5 Q So, Doctor, is it fair to say that what's in
6 this set of documents is in summary a string of emails
7 between Dr. Baglione and -- I don't know whether he's a
8 doctor or not -- Professor Baglione --

9 A He is.

10 Q -- and other individuals, correct?

11 A That is correct.

12 Q I want to direct your attention -- well, let
13 me ask you this. Did Dr. Baglione in any of this
14 correspondence address the issue of the proposed change
15 in the workload formula by the college?

16 A Yes.

17 Q And I want to direct your attention to page 3
18 of 7. It starts off, "Colleagues." Would you read the
19 second sentence in that paragraph? It starts with --

20 A The proposal?

21 Q Yes.

22 A "The proposal, as I understand it, would
23 bring TCC into conformity with other four-year colleges
24 that require 15 contact hours of instruction, that is a
25 five-three credit hour courses per semester or what is

1 called the five-plus-five system."

2 Q And what he's referring to there is exactly
3 the revision to the workload system that you were
4 seeking at that time, correct?

5 A Yes.

6 Q And that's what we're proposing today?

7 A Yes.

8 Q Let me direct your attention to the next
9 paragraph, and the last sentence in that paragraph that
10 starts with "In the 50-year history." Would you read
11 that for us?

12 A "In the 50-year history of the college, the
13 waivers have been approved by the state and we have
14 maintained what is more academically normal, faculty
15 schedule of four-plus-four found at four-year colleges
16 and universities."

17 Q First of all, is it true, as he states, that
18 throughout the history of the college that the current
19 workload formula has been in place?

20 A I can't speak to 50 years, but I can speak to
21 as far as I went back was 1987.

22 Q Okay. But certainly not 50 years?

23 A (Shaking head negatively.)

24 Q Okay. Now, let me ask you this. He also
25 refers in that same sentence, "Found that four-year

1 colleges and universities."

2 Question one, this is obviously not a
3 university in Florida, in the state of Florida,
4 correct?

5 A Correct.

6 Q And four-year colleges are a different
7 creature as well, aren't they?

8 A They are.

9 Q Okay.

10 MR. CROSLAND: I would move this into
11 evidence as City 16.

12 MR. WAZLAVEK: I would object to that. I
13 would question its relevance. I'm not sure what
14 the opinion of the former Faculty Senate President
15 two years ago has to do with what we're talking
16 about. You know, Mr. Baglione is certainly
17 welcome to his own opinion, but opinions are like
18 dirty socks, everybody's got a couple and they
19 both stink.

20 MR. CROSLAND: The relevance is, as the union
21 has contended throughout the negotiations, that
22 the college is proposing to change the workload
23 formula in effect in retaliation for these people
24 unionizing. It has nothing to do with that. It
25 was proposed by this administration well before

1 there was any attempt to unionize the faculty
2 here. This is something the college wanted to do
3 two years ago. It's directly relevant to the
4 workload formula issue.

5 SPECIAL MAGISTRATE: I'm going to accept it.
6 I'll decide how much weight I'll give to it. I
7 know everybody hates to hear that.

8 BY MR. CROSLAND:

9 **Q Let me ask you one more question, Doctor,**
10 **about this. In that same sentence, he refers to a**
11 **faculty schedule of four-plus-four. What does that**
12 **mean, as opposed to the five-plus-five system?**

13 A Generally four three-credit-hour classes per
14 semester.

15 **Q Okay. Is that connected to the waiver issue**
16 **that you referred to?**

17 A Yes, or really reassignment, not waiver.
18 That's not the term generally used.

19 **Q Okay.**

20 (TCC Exhibit No. 17 was marked for
21 identification.)

22 BY MR. CROSLAND:

23 **Q I'm going to show you a document. I'm going**
24 **to refer you to a document marked as College 17**
25 **entitled "Application Optional Questions," and ask you**

1 **if you can identify that?**

2 A Yes, I can. As part of our improvement --
3 continuous improvement efforts at the college, we are
4 asking students some very focused questions when they
5 apply to TCC.

6 **Q And in this particular part of it, would you**
7 **explain the second -- technically the third column**
8 **under the responses, what was the purpose of asking the**
9 **question and explain the ranking of the responses?**

10 A Well, in actuality, what I was -- I
11 recommended those questions to help us to actually
12 project where we needed to add classes and where
13 student interest lies.

14 **Q Okay. And I think one of them has to do with**
15 **term one of 2018 that's in the left-hand column?**

16 A Yes.

17 **Q And the other is term two?**

18 A Yes.

19 SPECIAL MAGISTRATE: Which page are you on?

20 THE WITNESS: On spring, yes.

21 BY MR. CROSLAND:

22 **Q Okay. And what was the leading preference in**
23 **this poll?**

24 A Well, it appeared that students seemed to
25 want classes between noon and 2:00. Oh, I'm sorry, no.

1 I saw 3,000. But 3,957 wanted midmorning, between 9:00
2 and noon.

3 Q Okay. And the next one was?

4 A Early afternoon.

5 Q Okay.

6 A But then interestingly, we found quite a few
7 wanted early morning classes at 7:00, which we offer
8 very few, if any.

9 Q So the strong majority was either early
10 morning or midmorning, no later than noon?

11 A Uh-huh.

12 MR. BALINSKY: No.

13 MR. WAZLAVEK: No.

14 THE WITNESS: No, between -- it goes -- if
15 you look at between 7:00, midmorning, early
16 afternoon, that's where you're going to find the
17 majority.

18 BY MR. CROSLAND:

19 Q Well, I used the term "majority" wrong. The
20 highest number is midmorning, 9:00 to noon; is that
21 correct?

22 A Correct.

23 MR. BALINSKY: Followed by 2:00.

24 MR. WAZLAVEK: Proving once again that
25 college students like to sleep in.

1 MR. CROSLAND: No.

2 MS. HEEKIN: It's 9:00 a.m. to noon.

3 MR. CROSLAND: It's 9:00 a.m. to noon. Your
4 point, Tom, was that they don't want to come to
5 school in the morning, they want to come in in the
6 afternoon just refutes that argument.

7 MR. BALINSKY: Number two is 9:00 to 2:00
8 p.m., number one is 9:00 to noon.

9 MR. WAZLAVEK: It doesn't refute the
10 argument.

11 MS. HEEKIN: Number one is midmorning 3,957,
12 25.6 percent.

13 MR. BALINSKY: And number two is noon to 2:00
14 p.m.

15 MS. HEEKIN: Correct, number two is --
16 (Multiple speakers; unintelligible.)

17 MR. WAZLAVEK: And I bet you if you parse
18 that out between 9:00 and 10:00 and 11:00 and
19 12:00, you would get a much different figure.

20 MR. CROSLAND: We can argue that.

21 SPECIAL MAGISTRATE: It speaks for itself.

22 MS. HEEKIN: Exactly.

23 MR. CROSLAND: In the second page, the term
24 two, I think the point is made, Mr. Balinsky.
25 However you slice it, more students clearly prefer

1 to come in in the morning and no later than noon
2 than prefer afternoon classes.

3 (TCC Exhibit No. 18 was marked for
4 identification.)

5 BY MR. CROSLAND:

6 Q I'm going to show you what's marked College
7 18, Dr. Moore, and ask you if you can identify that,
8 and if you can tell us what it is and what it says?

9 A Well, generally we do an analysis. We run
10 data very frequently at the beginning and end of our
11 semester. And this is going to show you class sizes
12 for fall and spring of 2018.

13 Q Okay. So just by way of example -- and I
14 don't want to testify on this document -- in the
15 right-hand column fall is blue, spring is orange,
16 there's less than 50 classes that have either 33 or 28
17 students; is that correct?

18 A No. That is the number of sections.

19 Q Sections?

20 A The number of classes. That's what that
21 number is.

22 Q Okay.

23 A So we have only about 33 classes that run
24 with greater than 50.

25 Q Okay. I stated that wrong.

1 A Yeah.

2 Q Only 33 as opposed to a larger number for --
3 between 40 and 49, right?

4 A Correct.

5 Q And then most of them are between 30 and 39;
6 is that correct?

7 A Correct.

8 Q And then it decreases the more you go to the
9 left?

10 A Exactly.

11 Q And it's your testimony that it is your
12 belief as a longstanding academic management
13 professional, that the workload sought by the college
14 would help drive this down further, correct?

15 A Yes.

16 MR. CROSLAND: Give me one minute, sir.

17 (Whereupon, the record was paused.)

18 (TCC Exhibit No. 19 was marked for
19 identification.)

20 BY MR. CROSLAND:

21 Q And 19, please, sir, tell us if you can
22 identify that, and if you can tell us what it is?

23 A Yes, I can identify it. We typically run
24 data on our courses, and this is actually the library
25 course, information science.

1 **Q And does it show how many courses are taught**
2 **by librarians?**

3 A It doesn't show you -- it does show you, if
4 you look at it, the number of courses taught. Well,
5 each case has its own line, so it will show you that --
6 for example, if you start at the top, fall ten we offer
7 one course with 29 students.

8 **Q One course?**

9 A Yes.

10 **Q For the whole semester?**

11 A Yes.

12 **Q All right. And what about -- just kind of**
13 **give an overview of the other numbers down there. You**
14 **don't have to read every one.**

15 A We actually run -- the data actually will
16 show you -- you can look at the number of courses, you
17 can see the total number of students that were served.
18 In that seven-year period, the average -- you can see
19 the success rate. You can also see the average success
20 rate which would be on the grand total line, the number
21 of students that failed and the number of students that
22 withdrew.

23 **Q Okay. So in these courses put on by the**
24 **librarians, almost 40 percent either -- the students**
25 **either failed or withdrew; is that correct?**

1 A Well, as far as failed -- well, yes.

2 Q Okay. I'm going to show you what's already
3 in evidence as College 10, which is the union's Article
4 9. And I want to refer you specifically to Paragraph
5 9.01.D, "Faculty members serving as program chairs or
6 lead faculty."

7 A Yes.

8 Q Now, Mr. Balinsky has said that the union's
9 language in 9.01.D is the current practice of the
10 college. Is that true?

11 A No, it is not.

12 MR. BALINSKY: Can we see what it is before
13 we discuss it further?

14 BY MR. CROSLAND:

15 Q Go ahead and explain it, please.

16 A As far as program shares, if you take a look
17 at -- we'll start with nine -- I guess it's 9.01 -- is
18 it D.3 -- "A description of chair or lead faculty
19 responsibility shall be determined by the immediate
20 supervisor," that is not correct. The program chair
21 and lead descriptions were developed by myself and the
22 Deans in 2016, and that is what we have been using ever
23 since.

24 Q Okay.

25 MR. BALINSKY: And for the record, I believe

1 my words were based upon current practice, not
2 that they are current practice. I think if we
3 check the records, that's exactly what it would
4 say.

5 MS. HEEKIN: Okay.

6 BY MR. CROSLAND:

7 Q Now, we have in our wage article a provision
8 for stipends for program chairs; is that correct?

9 A That is correct.

10 Q And I'm referring to College Article 23.
11 That will be addressed later.

12 SPECIAL MAGISTRATE: That's coming up next.

13 BY MR. CROSLAND:

14 Q Let's look at 9.01.E, substitute teaching.
15 I'll withdraw that.

16 Let's look at 9.02, the health care division,
17 instructional faculty. They're proposing among the
18 provisions in 9.02, 180 contact hours per semester for
19 those faculty.

20 In your opinion, if you have one, what would
21 be the impact of that on the college?

22 A Well, quite frankly, it's detrimental to the
23 students for us to do that because, one, we have
24 addressed as a college the working duties of
25 division -- of the health care division faculty. What

1 this does -- and I certainly do appreciate the UFF
2 actually trying to bring some equity to this, but you
3 can't bring equity by putting a square peg in a round
4 hole, it's just not going to fit, and it doesn't fit
5 for health care faculty.

6 What is going to help health care faculty is
7 if we commit to additional faculty, which the college
8 has already committed to, because that is what's going
9 to significantly decrease the impact that they have,
10 because Martin is completely correct, they have
11 clinical -- their load is not like a general education
12 load and we cannot utilize that same -- this formula in
13 that way to try to bring equity because it will not
14 bring the equity that is necessary.

15 **Q Okay. Let me refer you to 9.03.B.3. How is**
16 **that handled now?**

17 A The workweek schedule with the librarians?

18 **Q No, the overloads. I'm sorry.**

19 MS. HEEKIN: Paragraph B.3 about the required
20 coursework, any faculty member required by the
21 college to take college courses.

22 THE WITNESS: Okay.

23 BY MR. CROSLAND:

24 **Q Sorry, I cited the wrong number.**

25 A Yes, that would be valid. If we are

1 requiring someone to do -- if there is any requirement
2 of coursework.

3 Q Okay. Would that be part of what is termed
4 "professional development"?

5 A It would.

6 Q Which is included in our proposal, right?

7 A It is.

8 Q Let's look at 9.06, office tasks. It's on
9 the last page of their proposal.

10 A Yes.

11 Q You heard Martin talk about this issue. Tell
12 us if there's any real-life experience of faculty being
13 asked to or volunteering or made to do anything other
14 than teaching?

15 A Just to bring clarification to what Martin
16 had mentioned, it actually happened in our dental
17 assistant program last year. And this was during a
18 period in which we had lost our -- we had lost the
19 receptionist. We were now preparing to accept
20 community members in for cleanings and other hygiene.
21 And in order to do this well, we didn't have a
22 receptionist and we needed to greet our public. They
23 were not doing clerical duties, they were greeting our
24 public. And they had to document people that came in,
25 just the way we used to, because nobody -- there was no

1 one to do it. So they all volunteered to get us
2 through that period until we could hire -- we were
3 actively looking for someone to hire.

4 But sometimes in an institution, it takes a
5 village. And for four days, we asked them to be a part
6 of our village, which they all agreed to do. And it
7 was temporary to support our mission of serving
8 students and serving our public.

9 **Q Thank you.**

10 SPECIAL MAGISTRATE: Cross?

11 MR. WAZLAVEK: Yeah.

12 CROSS EXAMINATION

13 BY MR. WAZLAVEK:

14 **Q That workload rule that comes out of state**
15 **statute 1012 point eight something.**

16 A Yes, sir.

17 **Q It mandates 15 hours of contact time,**
18 **correct?**

19 A Yes, it does. Classroom contact.

20 **Q Well, actually, it says classroom contact or**
21 **other alternatives, right? Isn't that correct?**

22 A That's not the exact language, no. It does
23 require 15 hours, 15 classroom contact hours, period,
24 but it also gives exceptions.

25 **Q To make to adjust the load, right?**

1 A Yes.

2 **Q Describe to us how the TCC formula works,**
3 **would work, your proposal, how it would work in terms**
4 **of calculating load?**

5 A It would be 15 contact hours, period.

6 **Q Okay. So there would be no consideration for**
7 **class size or complexity of the course?**

8 A Because the class sizes should be normalized.
9 Oh, yeah, we will consider -- we will consider all of
10 those factors. We will consider -- even if a faculty
11 member can't determine what classrooms they want to be
12 in, we do that, because depending on how they want to
13 deliver it, they may want to be in our classrooms that
14 are more actively engaged, and faculty have a choice of
15 doing that kind of thing.

16 **Q So what you're really asking for is the**
17 **freedom to do -- to assign it however management wants**
18 **to assign it?**

19 A No. We do these things in collaboration with
20 faculty. I don't just -- I don't sit somewhere on a
21 throne and say you're going to do this, this, and this.
22 We do it with collaboration.

23 **Q So you want to do it with the faculty in**
24 **collaboration, but you won't bargain with your**
25 **contract?**

1 A As far as class size?

2 Q Yes.

3 A If I had --

4 MR. CROSLAND: Excuse me. What was your
5 question, Tom? I didn't hear it. You won't
6 bargain what?

7 BY MR. WAZLAVEK:

8 Q You won't bargain class size or any other
9 alternatives to normalize or equalize the class size?

10 MR. CROSLAND: I'm going to object to the
11 form of the question. One, it calls for a legal
12 conclusion; two, the law is clear in Florida we
13 don't have to bargain about it. But the record is
14 also clear we bargained about the issue, we've
15 simply said, no, we're not capping class size.

16 But to state -- or try to get her to make
17 a -- set out a legal position for the college
18 is -- he can ask her what's your position on class
19 size, that's a perfectly legitimate question.

20 SPECIAL MAGISTRATE: You want to rephrase
21 your question, Tom?

22 MR. WAZLAVEK: Yeah, I'll rephrase the
23 question.

24 BY MR. WAZLAVEK:

25 Q You said that the college is willing to work

1 with faculty members to develop practical workloads,
2 correct?

3 A Class sizes.

4 Q I'm talking about workload.

5 A The workload is the 15 contact hours.

6 Q Right. But in terms of adjusting for
7 variances in the system, you're willing to work with
8 individual faculty members, but you're not willing to
9 bargain anything like a formula, a workload formula, or
10 those criteria into the contract?

11 A I'm not sure I understand, because the
12 formula --

13 (Multiple speakers; unintelligible.)

14 MR. CROSLAND: Objection, leading.

15 MR. WAZLAVEK: That's not a leading question.

16 SPECIAL MAGISTRATE: I got your objection.

17 Here's what I'm saying, they're asking for a cap,
18 a 30-student class size cap?

19 MR. WAZLAVEK: Well, we're asking for any
20 alternative other than just you're going to teach
21 five courses. And what happens if teaching five
22 courses doesn't work well for that particular
23 faculty member in their program?

24 SPECIAL MAGISTRATE: That's a better question
25 than bringing in the 30 cap.

1 MR. WAZLAVEK: Right.

2 SPECIAL MAGISTRATE: Because there's multiple
3 scenarios.

4 MR. WAZLAVEK: Right. Correct. And my point
5 is that the college is not willing to bargain any
6 scenario into the contract.

7 SPECIAL MAGISTRATE: There you go.

8 MR. WAZLAVEK: That was the question.

9 SPECIAL MAGISTRATE: That's a better way to
10 frame the issue, because as I understand what you
11 were saying is will you work with us, will you
12 allow us into the process in determining how to do
13 all of this, and then you went into the class
14 size.

15 MR. WAZLAVEK: Right.

16 SPECIAL MAGISTRATE: And I know that there's
17 a legal issue, but you could bargain that away if
18 you wanted.

19 MR. WAZLAVEK: Yeah, he could.

20 MR. CROSLAND: We could.

21 SPECIAL MAGISTRATE: You could bargain it
22 away.

23 MR. CROSLAND: But my objection is two-fold.
24 One, the way Tom phrases it is you won't bargain
25 about it. A correct phrasing is you won't agree

1 to it. I mean, to me there's a difference.

2 Secondly, Dr. Moore-Davis does not determine
3 the bargaining strategy of the college. That's a
4 decision made.

5 SPECIAL MAGISTRATE: I understand. She's not
6 competent in that area to all these --

7 MR. CROSLAND: Yeah.

8 SPECIAL MAGISTRATE: No offense. It's not
9 her bailiwick.

10 MR. CROSLAND: Right.

11 SPECIAL MAGISTRATE: I understand that.

12 MR. CROSLAND: With that caveat.

13 SPECIAL MAGISTRATE: Yeah, I understand.

14 MR. WAZLAVEK: I think I made my point.

15 SPECIAL MAGISTRATE: Yeah.

16 MR. WAZLAVEK: I'm just going to move on.

17 BY MR. WAZLAVEK:

18 Q So the 15 contact hours can be a combination
19 of class time and other sources of student contact
20 time, correct?

21 A Yes.

22 Q Okay. Now, you said that the current formula
23 almost mandates it. What about the current formula
24 that almost mandates that policy?

25 A For those -- if I can get you to recall the

1 scenario where I showed the two blocks of faculty,
2 there are those that are teaching in larger classrooms.
3 And according to this, you have faculty teaching an
4 average between 30 and 39 and 40 students. So for
5 faculty that are teaching in those larger rooms, which
6 is 40 and sometimes 41, those faculty then, they will
7 make load by doing 12 contact hours.

8 MR. CROSLAND: Twelve hours of class?

9 BY MR. WAZLAVEK:

10 Q But nothing mandates that. In the end, it's
11 a management decision, correct?

12 A No, it isn't, not as long as we're in status
13 quo. I don't have that decision to make.

14 Q You don't have the authority to assign work
15 to a faculty member?

16 A Not at the moment.

17 Q You don't?

18 A Not that it's beyond status quo.

19 SPECIAL MAGISTRATE: That's what she's
20 telling you.

21 MR. WAZLAVEK: I'm just kind of shocked.

22 SPECIAL MAGISTRATE: Yeah, I can see that
23 that's a slippery slope for management right now
24 to start doing anything different because I know
25 you're going to have a concern about the status

1 quo.

2 MR. WAZLAVEK: Right, I am. But the point
3 we're trying to make here, we're trying to drive
4 home is that management makes these decisions
5 ultimately. These are management prerogatives. I
6 mean, you read the policy and read the law and
7 they are the ones that have to decide what the
8 workload is. To hide behind the policy is --

9 MR. CROSLAND: This hearing should end right
10 now.

11 MS. HEEKIN: So you're telling us we can do
12 what we want with the workload?

13 MR. WAZLAVEK: If I can finish.

14 SPECIAL MAGISTRATE: You're saying you
15 intend -- within the confines of the formula, the
16 current formula?

17 MR. WAZLAVEK: Right. But, again, the
18 current formula doesn't mandate what they're
19 doing. It's their decision.

20 SPECIAL MAGISTRATE: Right.

21 BY MR. WAZLAVEK:

22 **Q Who approves the program coordinators?**

23 A The Deans.

24 **Q And they're management, right?**

25 A Yes.

1 Q In the end, aren't you really asking for the
2 ability to unilaterally determine the workload and
3 assign the number of courses?

4 A I'm sorry?

5 Q In the final analysis, aren't you really
6 asking for the ability to unilaterally determine
7 workload and assign coursework?

8 A No, because I don't -- I will not
9 unilaterally -- I don't involve myself in determining
10 faculty load. I determine who --

11 Q Well, the college --

12 A -- makes them within.

13 Q Isn't the college really wanting the ability
14 to unilaterally determine?

15 A We are seeking to unilaterally bring some
16 equity and equality across faculty workloads. That's
17 what we would like to see.

18 Q Will you take a look at that?

19 A Yes.

20 Q And in that regard, would it surprise you to
21 find that everything to the right side totals up to --

22 MR. CROSLAND: Which one are you looking at,
23 Tom?

24 MR. WAZLAVEK: Right there to the right.

25 SPECIAL MAGISTRATE: C18, College 18.

1 MR. WAZLAVEK: It's College 18.

2 BY MR. WAZLAVEK:

3 Q And in looking at the graph for 30 students
4 or more all the way over to more than 50, right?

5 A Uh-huh.

6 Q Would it surprise you to know that that
7 totals up to 797 courses?

8 A No.

9 Q For the fall semester?

10 A No.

11 Q And then for the same fall semester to the
12 left side with classes less than 30, it's 417. So it's
13 almost double, isn't it? In other words, the number of
14 courses that have more than 30 students are almost
15 double than the ones that have less than 30 students?

16 A Uh-huh.

17 Q And looking at this particular exhibit --

18 SPECIAL MAGISTRATE: That's 17.

19 MR. WAZLAVEK: That's what I thought.

20 BY MR. WAZLAVEK:

21 Q So looking at that particular piece of data,
22 would you be surprised to find out that in the
23 spring -- in the fall semester of 2018, that 41 percent
24 of students want to teach in the afternoon and the
25 evening or learn in the afternoon or the evening?

1 A Did it surprise me?

2 Q Uh-huh.

3 A No.

4 Q Okay. And for the spring semester, it's
5 40 percent.

6 Looking at College 16, the Baglione letter,
7 that second paragraph, its founding by President Turner
8 TCC did not conform to this model?

9 A I'm sorry, where is that?

10 Q It's that second paragraph down on page 3.

11 A Yes.

12 Q Okay. So Baglione states in there that its
13 founding by President Turner TCC did not conform to
14 this model, instead you've taken advantage of the
15 waiver provision.

16 How do you know that what Mr. Baglione says
17 is true?

18 A You know, Frank is --

19 Q Did you personally verify it?

20 A What I could verify is that the data showed
21 we went back to 1987. Now, the rest -- I cannot verify
22 the rest.

23 Q So this letter is Mr. Baglione's opinion, is
24 it not?

25 A Yes, it is.

1 **Q And opinions are worth what?**

2 SPECIAL MAGISTRATE: He's not even here to
3 testify.

4 THE WITNESS: I guess they're valuable to the
5 person making them.

6 MR. WAZLAVEK: That's right, he's not here to
7 testify.

8 SPECIAL MAGISTRATE: It carries some weight.

9 MR. WAZLAVEK: Do you have anything?

10 MR. BALINSKY: I do.

11 EXAMINATION

12 BY MR. BALINSKY:

13 **Q So there was -- you mentioned Santa Fe**
14 **College and Valencia College as receivers of the Aspen**
15 **prize, and you mentioned that they teach typically 15**
16 **contact hours to our model of 12.**

17 Do you recall the exhibits that I presented,
18 I believe it was yesterday, regarding the average class
19 **sizes of community colleges?**

20 A Yes, I do.

21 **Q And what was the average class size,**
22 **approximately?**

23 A Twenty-two.

24 **Q Twenty-two. So smaller?**

25 A Uh-huh.

1 Q Okay. And I'm not going to belabor the
2 point, but just make an observation. As Tom was
3 asking, the college's position remains not interested
4 in agreeing to a class cap size.

5 Is it your opinion that by going from four
6 classes to five classes, that would cause greater
7 student success, such as with Santa Fe College and
8 Valencia Community College? In other words, is them
9 having five classes as opposed to four classes the
10 reason that they received an Aspen prize?

11 A No. Martin, as you probably know, student
12 success is many things coming together. The same way
13 that in this semester, we actually grew enrollment. It
14 took a village to do that. It's going to take great
15 planning. It's going to take collaboration. It's
16 going to take all of us coming together with a common
17 goal, and that is student success.

18 Q Okay.

19 A So, yes, this is one factor. But the greater
20 factor -- because I can give you five classes and you
21 could screw up in five classes. That's not going to
22 help me, okay? It's not going to help me if I give you
23 four classes and you screw up in four classes. What we
24 have to do is to come together.

25 And this is what's important to the college's

1 future, and we're going to do it inside the classroom
2 and outside the classroom. And this is just one of the
3 factors that I feel very strongly about that will move
4 the college into the future.

5 **Q Okay. So having one more class is not**
6 **necessarily what's causing their greater success?**

7 A Oh, no. If you look at Valencia, it's an
8 entire culture. If you go to Sante Fe -- and you
9 should visit sometime -- there is an entire culture
10 that comes together with a common mission, and that's
11 why they got the Aspen prize, amidst all of these other
12 factors that there are. And for that, we want to say
13 that five classes is not detrimental in a student's
14 success either.

15 **Q You stated regarding the loading formula that**
16 **it drives class sizes upward; is that correct?**

17 A (Nodding head affirmatively.)

18 **Q And you also said, I believe, that we cannot**
19 **continue that way anymore?**

20 A (Nodding head affirmatively.)

21 **Q Okay. So without belaboring the point, what**
22 **is the objection to class caps?**

23 A The class caps -- well, I'm just going to
24 state from my opinion, and as your lawyer -- not the
25 lawyer -- but as Tom stated, we all have one.

1 MR. WAZLAVEK: Don't call me a lawyer.

2 THE WITNESS: I believe that there is going
3 to be a difference between disciplines and how you
4 deliver it, what things that faculty needs within
5 a classroom, all those things need to be taken
6 into consideration. Some disciplines have
7 students that needs higher touch. Sometimes we
8 have students in classes that average class --
9 that average age is over 25. They need -- we have
10 to consider all those factors before.

11 And then there are national standards. The
12 English will bring up the National Council of
13 English Teachers, and they have a standard
14 nationally that we should do certain things. Now,
15 I need to consider that. For the sciences it may
16 be very different on what the science cap should
17 look like because, quite frankly, I have a
18 challenge with sciences teaching 45, you know,
19 especially in some other cases.

20 So what I would like to see is that we have a
21 broader discussion about what that looks like.

22 And what happens in sciences may not be what
23 happens in speech.

24 BY MR. BALINSKY:

25 Q Are contracts based upon broader discussions

1 or upon --

2 A I don't know. This contracting is new to me.

3 Q I want to switch away from that and go to
4 reassign time. Can you place up there the slide that
5 you presented as an exhibit yesterday regarding --

6 A I don't have it with me.

7 Q You do not have it with you?

8 A No, I don't have it.

9 Q Okay.

10 MS. HEEKIN: The slide that looks like what?
11 I'll tell you where it is.

12 SPECIAL MAGISTRATE: That she gave in her
13 presentation?

14 THE WITNESS: I gave you copies.

15 MS. HEEKIN: You have a copy of it.

16 MR. BALINSKY: We have a copy, that's fine.
17 The one with the examples of reassign times. I
18 think there was a --

19 (Multiple speakers; unintelligible.)

20 MR. BALINSKY: It had, for example, a French
21 and German class coordinator.

22 MR. CROSLAND: Oh, yeah.

23 MS. HEEKIN: Which one was it?

24 MR. WAZLAVEK: It's College 14.

25 MS. HEEKIN: I know, I can picture it, but

1 I'm trying to see -- it's 14?

2 MR. WAZLAVEK: Uh-huh.

3 THE WITNESS: Yes, the PowerPoint
4 presentation from yesterday.

5 MR. BALINSKY: So these were used --

6 MS. HEEKIN: Hold on one minute, please.

7 MR. BALINSKY: I'm sorry.

8 MS. HEEKIN: I don't have 14.

9 MR. BALINSKY: It says, "Faculty workload
10 in-house."

11 MR. WAZLAVEK: And for the record, you can
12 call me anything but late for dinner or an
13 attorney.

14 THE WITNESS: And what?

15 MR. WAZLAVEK: Or an attorney.

16 SPECIAL MAGISTRATE: Here we go, Denise.

17 MS. HEEKIN: You have it?

18 SPECIAL MAGISTRATE: Yes.

19 MR. CROSLAND: Do you need it in front of
20 you?

21 THE WITNESS: Not really.

22 BY MR. BALINSKY:

23 Q Some of these individuals I believe I asked
24 you about yesterday. And just to confirm, there is no
25 study abroad coordinator in fact?

1 A There is no study abroad coordinator. And
2 understand the reassignment is done by division. So
3 within that division, no, there is no study abroad
4 coordinator.

5 Q **Within that division or there is no study
6 abroad coordinator?**

7 A There is no study abroad coordinator.

8 Q **Okay. Oversight of German and French. Is
9 there anyone that has reassign time for oversight in
10 German and French?**

11 A Yes.

12 Q **Okay. Can you name the individual?**

13 A No.

14 Q **This is not a student? This is not protected
15 by FERPA?**

16 A I don't recall.

17 Q **You're unable to name the individual?**

18 A I don't recall. I see 185 reassignments and
19 I don't know.

20 Q **But you can testify that there is in fact an
21 individual?**

22 A Based on the data that was given to me, yes,
23 I can.

24 Q **Well, this is being presented as examples of
25 reassign time that doesn't work.**

1 A Yes.

2 MR. WAZLAVEK: But you're saying you can't
3 name the individual?

4 THE WITNESS: No, but I can probably produce
5 it.

6 MR. WAZLAVEK: Okay.

7 BY MR. BALINSKY:

8 Q Okay. In the case of the Title 3 grant
9 participant, it states faculty are paid to do this
10 work?

11 A Yes.

12 Q Okay. So is this in fact an example of
13 someone with reassign time?

14 A Yes, all of them are.

15 Q Okay. So the Title 3 grant participant is
16 someone who has reassign time?

17 A Yes.

18 Q Okay. But these are not -- every single one
19 of these is not currently filled with someone getting
20 reassign time?

21 A Every last one of those were listed on our
22 documentation as getting reassign time to do the things
23 that are listed on that document.

24 MR. WAZLAVEK: But not necessarily this
25 fiscal year?

1 THE WITNESS: No, it may not have been this
2 fiscal year.

3 MR. WAZLAVEK: So these are from some time
4 frame?

5 THE WITNESS: Since I've been here, let's
6 just say.

7 MR. WAZLAVEK: Okay.

8 BY MR. BALINSKY:

9 Q So do you know when was the last time we had
10 a study abroad coordinator?

11 A I would like to say that it may have been
12 2015 when I came in when we were attempting to do a
13 humanity study abroad. I want to say that, but, again,
14 that's my recall.

15 Q How were these selected as examples?

16 A The things that -- I was looking at things
17 that were clearly not within the policy or premises of
18 reassign time.

19 Q Okay. So this is --

20 A And that did not have any accountability.
21 For example, you have course coordinator on there.
22 There are some course coordinators that actually are
23 doing a very good job and appears that there is some
24 accountability in some of them. These clearly just did
25 not have any accountability.

1 Q And I believe we established yesterday who
2 approves the reassignments. I won't ask that again.

3 Okay. You mentioned Professor Robinson as an
4 example of someone teaching three classes of 50
5 students each?

6 A Yeah.

7 Q That was mentioned as the college's exhibit,
8 as one of them, or discussed anyway, or it was our
9 exhibit was as your example.

10 A (Nodding head affirmatively.)

11 Q So how many credits is each one of her
12 classes?

13 A It varies. And I'm not sure what her
14 qualifications are, but we have some art studio classes
15 that have six contact hours and we have others that
16 have three contact hours.

17 Q Okay. Hers are three contact hours, all of
18 them, okay, and the art studio are six. So in terms of
19 the number of students that she teaches, how many total
20 students does she teach?

21 A Currently, 186.

22 Q Okay. In her regular load, how many students
23 is she assigned?

24 A I guess you could subtract four from that.

25 Q Okay. The answer is 150, okay?

1 Yesterday do you recall me giving the average
2 of the colleges around the state, approximately what
3 the average class sizes were? No, in total number of
4 students, I'm sorry, not class sizes?

5 A Average class size?

6 Q No, average total number of students?

7 A I do. Was it 29?

8 Q No, the average total number of students,
9 like across all of their classes?

10 MS. HEEKIN: Why don't you show her the
11 exhibit.

12 MR. BALINSKY: Well, I can tell you verbally.
13 It's okay.

14 MS. HEEKIN: Is that the TCC presentation
15 that you're talking about?

16 MR. BALINSKY: Yeah.

17 SPECIAL MAGISTRATE: Task force?

18 MR. BALINSKY: Right.

19 BY MR. BALINSKY:

20 Q Approximately 115 to 120 students.

21 A Okay.

22 Q I mean, obviously, more of an observation, is
23 150 significantly above that amount?

24 A Yes. And 190 above that amount as well.

25 Q Okay. And tell me the nature of Professor

1 **Robinson's courses. Are they writing intensive?**

2 A I believe so. I usually don't go into that
3 level of detail, but we are now analyzing the Gordon
4 Rule courses, which includes English, some of the
5 humanities, as well as history. So we are undergoing a
6 review of all of those courses to bring them in line
7 with state-mandated rules regarding Gordon Rule courses
8 or writing-intensive courses.

9 **Q Would you say humanities courses in general**
10 **are writing-intensive courses?**

11 A I would have to let the faculty speak to
12 that.

13 **Q So you are not aware if they are or are not?**

14 A I know what they report to me, but I would
15 have to have the faculty speak to the courses.

16 **Q Okay. So you mentioned that the existence of**
17 **the formula by definition, I think, or at least you**
18 **said the existence of the current loading formula**
19 **causes a lack of accountability?**

20 A Yes.

21 **Q Can you speak to that?**

22 A Yes, because the formula forces the college
23 to move into reassignments that generally and in some
24 cases are not needed.

25 **Q Okay. So is it your opinion that the college**

1 has lacked accountability for the last 15 years?

2 A Yes, it is.

3 Q Okay. Did we not hear a presentation from
4 Dr. Balog about the excellence of the college at the
5 beginning of the proceedings?

6 A Yes, I heard what he said.

7 Q Okay. On the other hand, did you also not
8 characterize the college as average?

9 A Yes, I did.

10 Q So which is it? Is the college outstanding
11 or is it average?

12 A It is a college that is committed to
13 continuous improvement, and we are seeking to be better
14 than we have been.

15 Q Okay. In discussing -- there seems to be a
16 lot made about the reassign time is the issue and
17 accountability and so on. Isn't it also true, though,
18 that those who are receiving reassign time have
19 significantly larger classes --

20 A Yes, per the workload.

21 Q -- than those who do not?

22 A Generally, yes.

23 Q Wouldn't that be an example of where the
24 loading formula works very well because, in fact, it
25 accounts for different sizes of classes and scales the

1 **number of courses according to the class size?**

2 A No.

3 **Q How so?**

4 A Because it is unfair to other faculty who
5 gets into the large classes more versus those who don't
6 get into the large classes. Shall we put speech into
7 50 classes so that they can teach 12 hours as well?

8 **Q Well, not with class caps of 30.**

9 A But I can move them into the class that has
10 50 because all the campus belongs to us, correct? So I
11 could have them teaching in MLH if I desire to, but
12 it's not good for students. It's the same way this
13 formula is not good for students.

14 **Q So in your proposal, you are proposing a 15**
15 **credit model, and I believe you're claiming that it is**
16 **a way to have -- to reduce inequity; is that correct?**

17 A Yes.

18 **Q So what about an instance where if you**
19 **have -- every faculty member had 15 credit hours, one**
20 **faculty member in one area has very small class sizes**
21 **and then another one has much larger class sizes, is**
22 **that equitable?**

23 A Yes.

24 **Q Why?**

25 A Because they're spending the same amount of

1 time in class, 15 contact hours.

2 Q So equity is defined by the number of contact
3 hours?

4 A No, that's not the only issue where equity is
5 concerned. Equity doesn't mean equal. Equity means
6 that we now have leveled the playing field. And this
7 formula in no way does that.

8 Q Okay. You mentioned that according to your
9 15 credit model, class sizes would not rise because it
10 does not fit with your -- class size would be small
11 because it does not fit with your philosophy; is that
12 correct?

13 A That's correct.

14 Q Okay. So are contracts based upon
15 philosophy --

16 A Didn't you just ask me that.

17 Q -- or are they based upon numbers?

18 A Didn't you ask me that already?

19 Q I didn't say they were philosophy, but I'll
20 move on. I get it. I'll move on.

21 A point was made that the UFF cannot claim
22 for certain that we would have large classes of, let's
23 say, 50, for example, 100 more than we currently have
24 if you have -- currently teach 150, if you teach five
25 by 50. Is it not also true that without contract

1 language in place, the opposite cannot be assured
2 either?

3 A I'm not sure I understand your question.

4 Q What I'm saying is while the UFF cannot claim
5 that for sure there won't be classes of 50 without
6 language in place --

7 MR. CROSLAND: Without what language in
8 place?

9 MR. BALINSKY: Without class cap language in
10 place.

11 BY MR. BALINSKY:

12 Q -- the college cannot claim that for sure
13 there would be class sizes of, say, 20 to 25?

14 A So what you're saying is I can't tell you
15 what the class sizes would be? Is that what you're
16 asking?

17 Q I'm asking you --

18 A No, I can't tell you --

19 Q Okay.

20 A -- what the class sizes would be.

21 Q Okay. Thank you.

22 So that goes a little bit to trust. And I
23 want to reference the Frank Baglione -- I think I
24 pronounced that right.

25 A Baglione (as to pronunciation.)

1 Q Yeah, the Frank Baglione letter from
2 April 6th, 2016. What was the date of the first
3 division meeting in which the new proposal was
4 announced?

5 A I do not know.

6 Q Okay. Approximately?

7 A I'm going to assume the classes -- the
8 semester wrapped up in May, so maybe March.

9 Q It was April 6th and 7th in the divisions.
10 According to a reading of Dr. Baglione's
11 email, he is reacting to having just found out about
12 this; is that correct?

13 A I would assume.

14 Q Okay. Dr. Baglione was what position within
15 the faculty at that time?

16 A Faculty Senate Chair.

17 Q Okay. So as Faculty Senate Chair, is it not
18 true then that at the same time that the new proposal
19 was coming out, he was just hearing about it for the
20 first time?

21 A No, it's not true.

22 Q When did he first hear about it?

23 A I can't give you dates, Martin. I would have
24 to go back through my notes. But there was some
25 discussion prior to you -- prior to it moving to the

1 proceedings.

2 Q Okay. And you mentioned having spoken with
3 many people about it during the formation of it?

4 A Yeah, I did.

5 Q Who did you -- who would you have spoken to
6 about it?

7 A I spoke to faculty, had extensive
8 conversations with the Deans and others regarding --
9 just questioning really regarding the workload.

10 Q Did you speak to the Faculty Senate Steering
11 Committee, who is the governing body for the Faculty
12 Senate?

13 A No. I don't recall.

14 Q Okay. Wouldn't it have been -- if you were
15 making such a proposal, wouldn't it have been
16 transparent to be speaking to the Faculty Senate
17 Steering Committee prior to --

18 MR. CROSLAND: I'm going to object. I know
19 you're going to allow the question, probably. But
20 just to make a point, the Provost has no legal
21 obligation to address the Faculty Senate Steering
22 Committee. It doesn't mean anything whether she
23 talked to them or not.

24 SPECIAL MAGISTRATE: Here is where I -- and I
25 was going to ask a question.

1 MR. WAZLAVEK: We'll withdraw our question.

2 SPECIAL MAGISTRATE: I don't know how
3 relevant that is to where I'm at right -- where
4 we're at right now.

5 MR. BALINSKY: It speaks to the trust issue.

6 SPECIAL MAGISTRATE: Pre-bargaining history
7 and bargaining history, the proposal is on the
8 table. It was submitted to the party, it was
9 submitted to the union in negotiations. And if
10 there's some discussion before that, I don't see
11 how that ties into what I need to know to make my
12 recommendation.

13 MR. BALINSKY: Okay. That's fine.

14 MR. WAZLAVEK: We withdraw the question.

15 SPECIAL MAGISTRATE: Yeah. You see what I'm
16 saying?

17 MR. WAZLAVEK: Sure.

18 MR. BALINSKY: Yeah. I was speaking to --

19 SPECIAL MAGISTRATE: I'm not sure how useful
20 that email is at all.

21 MR. BALINSKY: Right.

22 SPECIAL MAGISTRATE: To be honest, for me.
23 Maybe someplace else in the process.

24 MR. BALINSKY: Okay.

25 BY MR. BALINSKY:

1 Q I want to talk about the exhibit that you
2 gave regarding the library, the LIS 2004. Is the claim
3 being made that there was only one course per semester
4 in each one of those terms?

5 A Well, the average is about one course per
6 semester. We do have the option oftentimes when it
7 reaches a certain enrollment cap to split the course
8 because it is on the web.

9 Q Okay. So you're --

10 A But generally very small enrollment. And
11 sometimes to allow librarians to have the ability to
12 teach, we will split a course.

13 Q Okay. So you're not attempting to claim that
14 there was only one course per term?

15 A No. But I can get that information.

16 Q Okay. I think that's fine.

17 I wanted to pull out the sheets regarding the
18 different class sizes that are -- number of sections at
19 different sizes, the exhibit with the --

20 A (Indicating.)

21 Q Yes, exactly.

22 What is the largest -- and this is current --
23 I guess it's fall and spring 2017/2018. What is the
24 largest number of -- let's see, how do I phrase this --
25 the number of sections with the largest number, the

1 largest range?

2 A It would have to be those you see from 30 to
3 39.

4 Q Okay. And that is significantly higher than
5 the statewide average; is that not correct?

6 A Oh, yes.

7 Q Okay. You mentioned the four individuals
8 that volunteered in the dental hygiene area for the
9 office tasks?

10 A (Nodding head affirmatively.)

11 Q Was there initially a request from the Dean
12 prior to their volunteering?

13 A No, there was not. The request came from the
14 program chair because she recognized -- now, she did
15 discuss it with the Dean, but it was from the program
16 chair because we had community members coming in and
17 there was no one there.

18 Q Okay. But they were in fact asked, they
19 didn't just -- it was in response to being asked; is
20 that correct?

21 A By the program chair, yes.

22 Q All right. I'm done. Thank you.

23 MR. CROSLAND: One question, please.

24 THE WITNESS: Am I done?

25 SPECIAL MAGISTRATE: No, not yet. We may

1 call you back tomorrow.

2 MR. CROSLAND: What is this?

3 MS. HEEKIN: Eighteen.

4 MR. CROSLAND: It may not be directly
5 connected to it.

6 REDIRECT EXAMINATION

7 BY MR. CROSLAND:

8 Q Most of the faculty -- this is a general
9 statement -- teach four classes, have a reassign time
10 and many have an overload, correct?

11 A Correct.

12 Q Okay. And under our proposed workload
13 formula, people would be teaching five classes; is that
14 correct?

15 A Correct.

16 Q Is it your testimony that in your opinion --
17 I know there's no guarantees -- but in your opinion,
18 the workload formula proposed by the college would
19 result in generally a reduction in class sizes?

20 A Yes, because I'll no longer be mandated by
21 this workload to bring faculty into load by increasing
22 the number of students they teach. I can subsequently
23 begin to decrease class sizes accordingly with their
24 content.

25 Q And it is in fact your philosophy, as I think

1 **you've testified, to reduce class sizes where feasible,**
2 **correct?**

3 A Yes.

4 **Q And it is your goal; is that correct?**

5 A It is my goal.

6 **Q Thank you.**

7 MR. WAZLAVEK: We're done.

8 SPECIAL MAGISTRATE: Thank you. That was
9 just going to take a few minutes.

10 MR. CROSLAND: Yes.

11 SPECIAL MAGISTRATE: Okay. I guess we're
12 ready for the wage argument.

13 (Multiple speakers; unintelligible.)

14 MS. HEEKIN: I'm going to go ahead and mark
15 some exhibits first.

16 SPECIAL MAGISTRATE: Let's go ahead and swear
17 the witness in while we're waiting.

18 * * *

19 Thereupon,

20 BARBARA WILLS, Ph.D.

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

23 * * *

24 MS. HEEKIN: So as College 20 is going to be
25 the College's Article 23 wages, it's a composite.

1 And the UFF's Article 23, which is right behind
2 it.

3 SPECIAL MAGISTRATE: So this is one exhibit?

4 MS. HEEKIN: Exactly. That's 20.

5 (TCC Exhibit No. 20 was marked for
6 identification.)

7 MR. WAZLAVEK: Before we get too far into
8 this, do you want to stipulate that the parts of
9 23 that are in dispute are -- it's not the wage
10 increase across the board?

11 MS. HEEKIN: Correct.

12 MR. WAZLAVEK: It's the overload rate that
13 we're talking about, right?

14 MS. HEEKIN: The overload rates, yeah.

15 MR. WAZLAVEK: Okay.

16 MR. CROSLAND: Well, the other issue is
17 your -- what do you call it -- inversion?

18 MR. WAZLAVEK: Yeah, the inversion.

19 MS. HEEKIN: Yeah.

20 MR. WAZLAVEK: Right, the inversion and the
21 overload.

22 MS. HEEKIN: This is College 21, and it's the
23 PowerPoint that Dr. Wills is going to go through.
24 This is 21.

25 (TCC Exhibit No. 21 was marked for

1 identification.)

2 MS. HEEKIN: Then we're going to have a
3 Composite Exhibit 22, which is the insurance and
4 benefits stuff, so it's the college's proposal on
5 Article 24, the union's proposal on Article 24,
6 and then there's some copies of the college's
7 policies that are referred to in both of the
8 proposals on benefits.

9 SPECIAL MAGISTRATE: Okay.

10 (TCC Exhibit No. 22 was marked for
11 identification.)

12 MR. WAZLAVEK: You're not going to leave the
13 policies just one composite, right?

14 MS. HEEKIN: Yeah, I put it all in as a
15 composite. Our proposal, your proposal, and the
16 policies that are referred to in the proposals.

17 MR. CROSLAND: I'm going to put Dr. Wills on
18 the stand in just a moment. Her name is
19 Dr. Barbara Wills, W-i-l-l-s. But before that, I
20 want to inform you and the other side the reason
21 we're putting on this evidence. And to make it
22 clear for you, this is not an inability to pay
23 case.

24 We're putting on some specific testimony.
25 We're putting on the PowerPoint prepared by

1 Dr. Wills to illustrate an overall picture, what
2 aspect of that is the funding sources and
3 situation at the college. And this relates to
4 principally our wage proposal.

5 The 2 percent is agreed. There is a
6 difference in the so-called overload rate. And
7 you'll see the specifics of this. But as
8 Dr. Wills will explain, the current overload rate
9 for fall semester, spring semester, summer courses
10 is far and away the highest in the state in the
11 college system.

12 We are proposing to reduce that somewhat.
13 The union is proposing to keep the same rate. Our
14 revised proposal, even with the somewhat lower
15 rate still would rank number one in the state.
16 The essence of what I'm trying to relate is to
17 show you the connection between the funding and
18 our wage proposal, which once again is agreed.
19 And we've given increases in certain other areas
20 that Dr. Wills will explain in the wage article.
21 And there's one thing we want to reduce, and
22 that's the overload rate. And that's still the
23 number one in the state.

24 That's just sort of an intro of what you're
25 going to hear explained from Dr. Wills.

1 Now you need to be sworn in.

2 * * *

3 Thereupon,

4 BARBARA WILLS, Ph.D.

5 was called as a witness, having been first duly sworn,

6 was examined and testified as follows:

7 * * *

8 DIRECT EXAMINATION

9 BY MR. CROSLAND:

10 **Q All right. Dr. Wills, tell us your full name**
11 **and who you work for.**

12 A Barbara Wills, Tallahassee Community College.

13 **Q And what's your position?**

14 A I'm Vice President of Administrative Services
15 and the Chief Business Officer.

16 **Q Okay. And how long have you held that**
17 **position?**

18 A For about two and a half years.

19 **Q Okay. And generally speaking, tell us what's**
20 **entailed in your job.**

21 A Certainly. I'm responsible for the finance
22 and budget of the college, as well as human resources
23 and contracts and grants and a lot of the other
24 administrative functions of the college.

25 **Q Okay. Would you run through for the**

1 **Magistrate other professional positions you've had**
2 **related to this field in the past?**

3 A Sure. And prior to coming to Tallahassee
4 Community College, I was the Assistant Superintendent
5 for Leon County Schools here in Tallahassee with
6 largely the same responsibilities, construction
7 facilities, human resources, finance.

8 Before that I was Director of the Center for
9 Education, Research and Policy Studies with Florida
10 State University and taught there as well.

11 Q Okay. Now, I would like to -- do you have
12 the exhibits in front of you?

13 A Yes.

14 Q Okay. Let's turn to your PowerPoint.

15 A Okay.

16 Q Can you --

17 A Yes.

18 Q Are you going to fire that up?

19 A It's ready to go.

20 Q Okay. Well, I'm going to sort of unleash you
21 on the Court here and then we'll ask questions as
22 necessary.

23 A Okay.

24 Q But the first page lists three bullet points.
25 Explain why they're on this page.

1 A Certainly. When we began the collective
2 bargaining process as the college's representative
3 team, we met with the President and the leadership team
4 and we tried to take advantage of this opportunity that
5 was kind of forced upon us to focus on what we wanted
6 to accomplish. So we very carefully defined that going
7 through this process we wanted to remain focused on
8 student success, fiscal responsibility and faculty
9 accountability. So everything that we have done during
10 this process, we have tried to tie it back to these
11 three priorities of the college.

12 **Q Okay.**

13 A Do you want me to keep going?

14 **Q All right.**

15 A I will do my best to be very efficient.
16 Mr. Crosland was succinct in kind of presenting a
17 summary of what I'm going to present. But I also
18 wanted to take a few minutes to establish some context
19 for a lot of the things that we've been talking about
20 up to this point and that we'll talk about, especially
21 with regard to the --

22 SPECIAL MAGISTRATE: Can I interrupt you
23 already?

24 THE WITNESS: Yes.

25 SPECIAL MAGISTRATE: Is that in here?

1 THE WITNESS: Yes. They're double-sided, I'm
2 sorry.

3 MS. HEEKIN: The first one is double-sided so
4 you need --

5 SPECIAL MAGISTRATE: Oh, you tricked me,
6 okay.

7 THE WITNESS: Qualifying statement under our
8 finance, so I'm going to save money where I can,
9 so it's doubled-sided.

10 MS. HEEKIN: That's her job.

11 SPECIAL MAGISTRATE: Got it.

12 THE WITNESS: Didn't mean to make it
13 confusing.

14 BY MR. CROSLAND:

15 Q Well, start off with a discussion of what is
16 the title "Florida Performance Funding Model." Is that
17 just a headline or is there actually such a thing?

18 A Yeah, I'll go through that. So the State of
19 Florida, Florida College System Schools has the
20 performance-based incentive program. This is a
21 statutorily established program that provides
22 performance funding for the colleges. These four major
23 areas are what we are measured on. Retention, which
24 looks at students, first time in college students in
25 one fall semester compared to those same students in

1 the next fall semester. Completion, which also looks
2 at those first time in college students. It looks at
3 them at two years, whether or not they have completed
4 their program, and it looks at them again in three
5 years. And that is how they come up with a completion
6 rate.

7 The job placement and continuing education
8 are those students who have completed Tallahassee
9 Community College and where they are now, whether or
10 not they are successfully employed or they have
11 continued at another higher education institution. And
12 then the last category is wages, if they have completed
13 TCC and they're in the workforce, it looks at their
14 wages compared to our region.

15 **Q Compared to what?**

16 A To our region, compared to employment within
17 our region. So we would not be compared to employment
18 in, say, Broward County or another part of the state.

19 **Q Right.**

20 A Associated with this is funding. So when we
21 talk about the variables of student success, these are
22 the matrix that we are measured by according to the
23 state, what all schools are assessed by. And these are
24 the things that we look at. So this is kind of a
25 confusing table here. I'll try to simplify it some.

1 **Q Just go slow enough to make sure we cover it**
2 **thoroughly, okay?**

3 A Okay. This is produced by the Florida
4 Department of Education. Based on those four
5 variables, our data is evaluated annually. This
6 program has been in place in since 2014/15 was the
7 first year that they looked at it.

8 SPECIAL MAGISTRATE: When was the first year?

9 THE WITNESS: '14/15. So the 28 community
10 colleges are evaluated based on this and given a
11 score. And then we are placed into one of these
12 categories.

13 BY MR. CROSLAND:

14 **Q You're going to need to explain what each one**
15 **of these titles is.**

16 A I was waiting for him to make notes.

17 SPECIAL MAGISTRATE: Thank you.

18 THE WITNESS: This has a budget impact on
19 community colleges and it plays out. For schools
20 that are in the -- there are two funding sources
21 that fund the performance funding program for
22 community colleges. One is the institutional
23 investment, so that means part of our
24 appropriation every year is withheld. Every
25 single college has a percentage of their withheld

1 by the state that goes into this funding pot.

2 The second investment is what they call the
3 state investment, which is an additional amount of
4 money that the state puts in it. So that pot
5 consists of the institution's investment and the
6 state investment.

7 SPECIAL MAGISTRATE: Okay. I'm going to stop
8 you real quick.

9 THE WITNESS: Yes.

10 SPECIAL MAGISTRATE: I still don't understand
11 the difference of both held by the state, the
12 state funds.

13 THE WITNESS: They are, absolutely. One is
14 the amount --

15 SPECIAL MAGISTRATE: The first one, the
16 purpose of this funding is what, the first one?

17 THE WITNESS: The first one is --

18 SPECIAL MAGISTRATE: Institutional.

19 THE WITNESS: That is money that we used to
20 get. Before they created performance-based
21 funding, it was part of our general
22 appropriations.

23 SPECIAL MAGISTRATE: Oh, that's your general
24 appropriations?

25 THE WITNESS: Yes.

1 SPECIAL MAGISTRATE: Do you still get any of
2 that?

3 THE WITNESS: Yes, we do, we get it. They
4 withhold part of it. And that's how the state
5 funded this program.

6 SPECIAL MAGISTRATE: Which program, this
7 whole --

8 THE WITNESS: This performance-based
9 incentive.

10 SPECIAL MAGISTRATE: It's kind of like
11 administrative overhead?

12 THE WITNESS: I wouldn't call it that.

13 SPECIAL MAGISTRATE: Okay.

14 THE WITNESS: They award the money back to
15 you based on this plan here. So if you are a gold
16 score, meaning you're one standard deviation above
17 the mean, which for our purposes probably doesn't
18 matter, but if you're determined to be in this
19 gold category, you automatically get your
20 institutional investment back, you get a prorated
21 share of that state investment, and you get
22 redistribution from schools that fell under the
23 purple and bronze category.

24 SPECIAL MAGISTRATE: Okay.

25 THE WITNESS: So for those schools that are

1 in purple and bronze, they lost their state
2 investment, and that's redistributed back to the
3 higher-performing schools.

4 SPECIAL MAGISTRATE: Got it.

5 THE WITNESS: So everybody puts the money
6 into the pot. If you are low performing, purple
7 or bronze, you don't get your state share back.

8 (Multiple speakers; unintelligible.)

9 SPECIAL MAGISTRATE: So less successful
10 schools get less money?

11 THE WITNESS: Correct. So those schools in
12 the silver category, those schools also get their
13 institutional investment back and they get a
14 portion of the state investment, but they do not
15 get the purple or bronze money. And then, of
16 course, bronze gets the institutional investment
17 back but they do not get any state money. And
18 purple, their institutional investment is withheld
19 pending development of improvement plan and
20 successful implementation of that plan. So they
21 may not get that money back for another fiscal
22 year.

23 So I just want to take a couple of minutes to
24 talk about the importance of the performance
25 funding.

1 SPECIAL MAGISTRATE: Real quick question.

2 THE WITNESS: Yes.

3 SPECIAL MAGISTRATE: I'm trying to move you
4 along here, but this is just funds for the
5 performance model?

6 THE WITNESS: Correct.

7 SPECIAL MAGISTRATE: It's not everything?

8 THE WITNESS: Correct.

9 SPECIAL MAGISTRATE: It's just that little
10 program?

11 THE WITNESS: It's not our appropriation,
12 right.

13 SPECIAL MAGISTRATE: How much of that is part
14 of your budget?

15 THE WITNESS: It's about a million dollars.

16 SPECIAL MAGISTRATE: Okay. And how big is
17 your budget?

18 THE WITNESS: Sixty-two.

19 SPECIAL MAGISTRATE: Okay.

20 THE WITNESS: And it changes every year. So
21 every year the amount they decide to reinvest or
22 provide through this program changes.

23 MR. WAZLAVEK: All right. So you said it was
24 \$1 million?

25 SPECIAL MAGISTRATE: Okay. I'm trying to get

1 the portion of it.

2 THE WITNESS: So it's been increasing. And
3 the other important thing for us is --

4 MS. HEEKIN: Dr. Wills, before you go on,
5 what's the amount of the funding that's just state
6 appropriation?

7 THE WITNESS: Oh, yes. Thank you.

8 MS. HEEKIN: Is that all that 60 or is it --

9 THE WITNESS: No. The state appropriation is
10 about 29 million, so it's 1 million out of that
11 29.

12 SPECIAL MAGISTRATE: That's a better number.
13 Okay. That's what I intended.

14 THE WITNESS: Yes. I'm sorry. Thank you for
15 catching that.

16 SPECIAL MAGISTRATE: It's 3 percent.

17 MS. HEEKIN: Yeah.

18 THE WITNESS: So when we talk about
19 Tallahassee Community College and performance, and
20 when we use that ugly word "average" that we
21 talked about earlier today, this is where we get
22 that from, to be honest. We are ranked as a
23 silver school. On those four measures, when we
24 talk about those four measures, retention and
25 completion, are the measures that we've talked

1 about here today, that the Provost has talked
2 about that the college is really looking at.

3 On those two measures compared to the 28
4 colleges, we are ranked 13 on both of those
5 measures. So that's something as a leadership
6 team we've really looked at, trying to determine
7 how we change that and how we make improvements
8 there.

9 SPECIAL MAGISTRATE: Let me ask you a real
10 quick question.

11 THE WITNESS: Yes, sir.

12 SPECIAL MAGISTRATE: When I look at this, are
13 these in rank order?

14 THE WITNESS: They are not.

15 SPECIAL MAGISTRATE: They're not? You got
16 this down here?

17 THE WITNESS: Yes. So I have --

18 SPECIAL MAGISTRATE: You're ranked 14th?

19 THE WITNESS: Overall -- well, we're ranked
20 13th in retention and completion.

21 SPECIAL MAGISTRATE: Okay. Not overall. Got
22 it.

23 THE WITNESS: So, again, we tried to keep
24 these factors in mind when we prepared our wages
25 article. So you'll see why we have sort of a

1 redistribution.

2 The other thing that we look at and compare
3 ourselves to is the percent of our total operating
4 budget, the 62 million that goes towards cost of
5 instruction. So when you look at the cost
6 analysis data from the Florida College System, we
7 are at the top in the percent of our budget we
8 invest in the cost of instruction. So that's
9 something that, you know, we're proud of and want
10 to --

11 SPECIAL MAGISTRATE: That's not per student
12 like I've seen before? This says out of the money
13 I receive, 48 percent goes right to instruction?

14 THE WITNESS: Correct. Yes.

15 SPECIAL MAGISTRATE: Okay.

16 THE WITNESS: So this is just another
17 variable that the college system looks at.

18 SPECIAL MAGISTRATE: Okay.

19 THE WITNESS: This is a history of our state
20 funding. As many of you will recall, we lost a
21 lot of state funding around 2009, 2008, 2009. You
22 can see from this table that our funding has
23 slowly stabilized from that time.

24 This is our entire state funding. We have
25 two funding sources. Let me back up and say that.

1 The college has two primary funding sources. One,
2 of course, is our state funding, and the second is
3 tuition. So first I want to look at this state
4 funding.

5 SPECIAL MAGISTRATE: Go ahead.

6 THE WITNESS: The orange that we see on here
7 is our general appropriation that we get from the
8 legislature each year. The yellow is the
9 educational enhancement trust fund dollars.
10 That's what we get from the Florida Lottery fund.
11 And then you'll see in '15/16, which was the first
12 budget year, that we received performance funding.
13 We received 951,000. The second year performance
14 funding is 833, and the third year 814.

15 MR. WAZLAVEK: What's that 718?

16 THE WITNESS: The 718 is nonrecurring. Those
17 were onetime funds that we received from the
18 legislature for special appropriation.

19 MR. WAZLAVEK: Okay.

20 THE WITNESS: So when we talk about our
21 workforce development programs, the truck driving
22 school, we received an appropriation specific and
23 restricted to that purpose, for the truck driving
24 school. And there's another program in there that
25 we worked with the county on, and that includes

1 that as well.

2 SPECIAL MAGISTRATE: But you can't touch
3 that?

4 THE WITNESS: Right. That is restricted for
5 that singular purpose. The other source of our
6 revenue is student enrollment, tuition. We've had
7 declining enrollment at TCC for the past several
8 years. This year for the first time we've seen an
9 increase of about three -- these are credit hours,
10 not students. So we saw an increase of about
11 3,000 credit hours this year.

12 Our budget, again, is about 50 percent state
13 appropriation and 50 percent enrollment. There
14 was a time when it was higher from the state
15 appropriation, it was nearly 70 percent. But the
16 state appropriation has gone down significantly
17 and we've become more dependent on student
18 enrollment. So, again, I'm just trying to provide
19 some context within which we built our wages
20 proposal.

21 Our tuition per credit hour, I wanted to
22 spend just a minute mentioning this. We are near
23 the bottom at \$76.80 per credit hour.
24 Historically our past presidents in administration
25 have been proud of the fact that we've had lower,

1 more affordable tuition. As we had some
2 fluctuation in enrollment, as we saw a decline in
3 our state appropriation, it would have been -- it
4 would be nice to be able to change tuition amount.
5 There's some restrictions and discouragement, I
6 will say, from state administration, so we have
7 not been able to change that.

8 SPECIAL MAGISTRATE: But you have autonomy in
9 setting your rates to some degree?

10 THE WITNESS: Our Board of Trustees does have
11 some degree of autonomy.

12 SPECIAL MAGISTRATE: The state doesn't tell
13 you what your tuition rate is going to be
14 entirely?

15 THE WITNESS: Not entirely, yes.

16 SPECIAL MAGISTRATE: I'm making a simple
17 world.

18 THE WITNESS: Yes.

19 SPECIAL MAGISTRATE: You could raise the
20 rates a little bit if you had to somehow, right?

21 MR. CROSLAND: No.

22 THE WITNESS: Not without repercussions.

23 SPECIAL MAGISTRATE: Okay. I don't need to
24 go there.

25 THE WITNESS: So the point is only that we've

1 been kind of locked into this tuition rate.

2 SPECIAL MAGISTRATE: Okay.

3 MR. WAZLAVEK: Could I just -- since you
4 asked the question?

5 SPECIAL MAGISTRATE: I shouldn't have stepped
6 on that, should I? It's alive.

7 MR. WAZLAVEK: When you say "without
8 repercussions," there would be no official -- I
9 don't think there's anything in the state law that
10 would --

11 THE WITNESS: There's nothing in the state
12 law.

13 MR. WAZLAVEK: What you're referring to
14 really is the political repercussions from the
15 Governor's office when they start tossing out
16 Board of Trustee members for raising the rates?

17 THE WITNESS: Board of Trustee members or
18 even potential aid to our funding as we make
19 requests for programs like the truck driving
20 school, there's potential of that.

21 MR. WAZLAVEK: The Governor has threatened
22 all of the universities and colleges if they raise
23 tuition at all by coming after them.

24 SPECIAL MAGISTRATE: So the politicians are
25 looking?

1 MR. WAZLAVEK: Yes.

2 THE WITNESS: Yes, sir.

3 MR. WAZLAVEK: That's that smell.

4 THE WITNESS: So a couple of other things I
5 wanted to share, just some costs that we've had to
6 absorb as a college. Two of the biggest I'll
7 share today. One is our rising insurance costs.
8 So you can see over the past five years we've had
9 an increase in --

10 SPECIAL MAGISTRATE: Is that health
11 insurance?

12 THE WITNESS: This is health insurance. An
13 increase in what we pay for health insurance. The
14 blue line I want to share with you -- I think this
15 is important -- is what our employees pay towards
16 their premium for health insurance. And that is
17 zero. It's been zero since before 2012, but it
18 continues to be a zero.

19 SPECIAL MAGISTRATE: Now, there's usually a
20 copay. You meant contribution?

21 THE WITNESS: Premium, their contribution
22 towards the premium.

23 SPECIAL MAGISTRATE: Contribution?

24 THE WITNESS: Yeah. Sorry.

25 SPECIAL MAGISTRATE: Now, that's just for the

1 employees?

2 THE WITNESS: Correct.

3 SPECIAL MAGISTRATE: Got it.

4 THE WITNESS: If employees have family health
5 coverage, they have seen a small increase, about
6 \$100,000 distributed across all of our employees.

7 The bulk of the increase has been absorbed by
8 the college so we've absorbed almost \$2 million,
9 about 1.8 million in insurance increase over this
10 period.

11 MS. HEEKIN: 1.8, that's the difference
12 between the 5.5 and the 3.7?

13 THE WITNESS: Yeah.

14 MR. WAZLAVEK: Okay. I'm still trying to
15 figure it out. You're saying the colleges paid --
16 this year, in 2017, has paid \$5.5 million for --

17 THE WITNESS: For health insurance benefits.

18 MR. WAZLAVEK: For all employees in all
19 categories, right?

20 THE WITNESS: Correct. This is all
21 employees, not just faculty.

22 MR. WAZLAVEK: Okay. Do you have the faculty
23 number broken out?

24 THE WITNESS: I do not.

25 So I'm trying to provide for you just a big

1 budget picture for the college and the expenses,
2 additional expenses we've had to absorb.

3 MR. WAZLAVEK: And the million dollars the
4 employees have paid out is for family coverage if
5 they want something above and beyond?

6 THE WITNESS: Correct.

7 MR. WAZLAVEK: Does that also include the
8 \$100 that those folks who have opted for the Blue
9 Cross Blue Shield plan have paid?

10 THE WITNESS: It includes everything, yes.

11 MR. WAZLAVEK: Okay. So it includes all
12 payments made by all employees for family
13 insurance and if they buy up?

14 THE WITNESS: Yes. But I think what you're
15 referring to is the change in the insurance.

16 MR. WAZLAVEK: Yes.

17 THE WITNESS: That's not reflected here
18 because that's not until 2018. This data is
19 through 2017.

20 MR. WAZLAVEK: Okay. That clarifies it.
21 Thank you.

22 THE WITNESS: Sure.

23 The other area where we've seen an increase
24 to the college's budget that we kind of can't
25 control is rising in Florida Retirement System

1 costs. And this is the contribution that the
2 college makes on behalf of our employees.

3 So the employee contribution has actually
4 gone down slightly, very slightly, but it has.
5 The amount that the college pays, again, has gone
6 up about a million dollars over the same time
7 period.

8 SPECIAL MAGISTRATE: Why has the employee
9 contribution gone down?

10 THE WITNESS: The state legislature
11 determines the rate that is paid.

12 SPECIAL MAGISTRATE: Okay. For the employee
13 and for the --

14 THE WITNESS: So it's not controlled by the
15 college. It's determined by the state.

16 SPECIAL MAGISTRATE: Got it.

17 THE WITNESS: It's just been a large cost
18 that we've absorbed.

19 MR. WAZLAVEK: And between 2013 and 2014, it
20 went up about a million bucks, right?

21 THE WITNESS: Uh-huh.

22 MR. WAZLAVEK: Is that also the year that the
23 legislature increased the retirement rates?

24 THE WITNESS: Percent increase, yeah.

25 MR. WAZLAVEK: Okay. So that increase in

1 cost is reflected by a change the legislature
2 made, not something the college did?

3 THE WITNESS: Yes, it's not something we
4 control.

5 MR. WAZLAVEK: Okay.

6 THE WITNESS: It's just a demonstration of
7 some costs that we've had to absorb.

8 Do you want me to go back?

9 MR. WAZLAVEK: Well, just a general question,
10 does the legislature fund any of your retirement
11 costs through appropriations?

12 THE WITNESS: No. So they will tell you --
13 they calculate an amount that your FRS is worth.
14 But you've seen how our funding appropriation has
15 gone down and then back up. So it's not
16 equivalent to what we -- we do not get money
17 specifically for that purpose. I mean, it's
18 replaced in our budget.

19 Another item that I wanted to provide, again,
20 for context is our fund accounting system that all
21 colleges use and that the college uses. And I
22 really wanted to address this because there's been
23 some discussion from the faculty about how the
24 college budgets and expends our resources, so just
25 to be clear where we put our money, how we use it,

1 and what we're allowed to spend it on.

2 So fund one is our operating funds. This is
3 our general fund. This is where most of the money
4 is. This is unrestricted. This is how we pay
5 that insurance and the retirement and our
6 employees.

7 SPECIAL MAGISTRATE: Payroll?

8 THE WITNESS: Yes. So that's our big
9 account.

10 Fund two is contracts and grants dollars.
11 That's restricted.

12 MR. WAZLAVEK: Are there any faculty paid out
13 of fund two?

14 THE WITNESS: There are contract and grant
15 employees paid out of fund two.

16 MR. WAZLAVEK: So in other words, are UF
17 faculty contract or grant funded?

18 THE WITNESS: If we have faculty who are
19 working on a grant and they are expressly working
20 on a grant, we may have a cost allocation that
21 pays for part of their salary. So if I'm a
22 faculty member and 50 percent of my time is
23 dedicated expressly to that grant, then they may
24 be paid for that.

25 MR. WAZLAVEK: Do you have any idea how many

1 faculty and what the cost is or what the number
2 is?

3 THE WITNESS: No. I can get that for you. I
4 don't think we have very many. I mean, there's a
5 few maybe on Title 3. Most of our contracts and
6 grants are different types of programs.

7 MR. WAZLAVEK: Title 3 and --

8 THE WITNESS: Yeah, we have some Title 3, I
9 think. But I don't know that they get salary
10 dollars from it. I will have to look at that.

11 Fund three is auxiliary funds. These are
12 funds that are enterprise funds like our college
13 book store, food services, the vendors we have on
14 campus, any lease arrangements that we have for
15 space. Those are unrestricted dollars, but
16 they're also nonrecurring dollars. So we are
17 careful how we reinvest those.

18 MR. WAZLAVEK: Are any faculty or any
19 employees paid out of the auxillary funds?

20 THE WITNESS: We do not have any faculty paid
21 out of auxillary funds. We do have some staff
22 paid out of auxillary.

23 MR. WAZLAVEK: You have some what?

24 THE WITNESS: Staff. Mostly OPS.

25 SPECIAL MAGISTRATE: Who is OPS?

1 THE WITNESS: Other personal services. I'm
2 sorry. It's part-time state employees.

3 SPECIAL MAGISTRATE: And the people who work
4 on those enterprises?

5 THE WITNESS: Right.

6 Those four, five and six are restricted funds
7 for the purposes that you see there for loans,
8 scholarships, agency funds. We don't use those
9 for any other purposes. Those are very
10 restrictive.

11 Fund seven is our capital fund for physical
12 plant, maintenance, and improvements. That is the
13 public education capital outlay dollars, the PECO
14 that you hear referred to.

15 We also have a capital improvement fee that
16 is part of our tuition and fees that goes into
17 that. There is occasionally from the state
18 remodeling and renovations dollars. I haven't
19 seen it in a little while, but once upon a time we
20 used to get that.

21 So funds one, three, and seven that are
22 highlighted in red, those are the funds that we
23 talk about and use the most. And then eight and
24 nine, again, those are restricted so we don't use
25 those. So, again, just establishing context, I

1 know there's conversation around how we
2 appropriate resources.

3 Another question that we've had during
4 bargaining and from faculty is our recruitment and
5 retention rates. So I wanted to share some data
6 on that. We went back to 2011 and looked at the
7 number of faculty positions we advertised and the
8 number of applicants that we had. So for those 94
9 positions advertised, we had 3,107 applicants. On
10 retention, we also looked back at our retention
11 numbers, if you remove those that retired, we have
12 a retention rate over 98 percent over the past
13 seven years, which is high for any industry, even
14 higher education.

15 All right. Faculty salary, looking at how we
16 compare to other colleges. So as Mr. Crosland
17 said, we've agreed on a 2 percent raise for
18 faculty. With that 2 percent, this is where we
19 would be, with an average salary of 58,083, which
20 makes us seventh.

21 SPECIAL MAGISTRATE: Quick question.

22 THE WITNESS: Yes, sir.

23 SPECIAL MAGISTRATE: Is this all the
24 community colleges?

25 THE WITNESS: Yes.

1 SPECIAL MAGISTRATE: That's the whole state?

2 THE WITNESS: Twenty-eight, yes. There
3 should be 28 on there.

4 SPECIAL MAGISTRATE: Okay. So with that
5 2 percent, the average base salary is \$58,083?

6 THE WITNESS: Yes, sir.

7 SPECIAL MAGISTRATE: Does that include the
8 roll-ups or is that actual --

9 THE WITNESS: That is --

10 SPECIAL MAGISTRATE: -- pension?

11 THE WITNESS: -- just the base salary.

12 SPECIAL MAGISTRATE: That's just the base
13 salary?

14 THE WITNESS: Right.

15 SPECIAL MAGISTRATE: Okay. Got it.

16 THE WITNESS: So this is a regional
17 comparison of other schools that are
18 geographically close to -- nearby to us. And we
19 rank at the top there.

20 SPECIAL MAGISTRATE: This is with the
21 2 percent?

22 THE WITNESS: Yes.

23 SPECIAL MAGISTRATE: You're at the top?

24 THE WITNESS: Yes. So this brings me back to
25 our salary proposal.

1 SPECIAL MAGISTRATE: Question. Where do you
2 get this information?

3 THE WITNESS: On the regional --

4 SPECIAL MAGISTRATE: From the state reports?

5 THE WITNESS: From the state, yes.

6 SPECIAL MAGISTRATE: The Florida Department
7 of Education?

8 THE WITNESS: Yes, from the Florida College
9 System.

10 SPECIAL MAGISTRATE: Okay.

11 THE WITNESS: So as Mr. Crosland said, we're
12 not making a case that we can't afford to pay.
13 What we are trying to do is present a wages
14 article that reinforces those priorities and
15 values that we established. So we want to look at
16 student success and how can we improve that on
17 retention -- I mean, on completion and student
18 retention.

19 So keeping that in mind, we're ranked again
20 13. And we want to be able to impact that. We
21 also want to look at knowing faculty are
22 important, knowing the role that faculty play in
23 the college, what can we do to incentivize faculty
24 and to produce improvements there.

25 So keeping that in mind, real quickly I'll go

1 over what we've agreed on. We agreed on the
2 nine-month contract.

3 SPECIAL MAGISTRATE: Who are "we"? The
4 parties?

5 THE WITNESS: The College and UFF, yes, sir.

6 SPECIAL MAGISTRATE: Okay.

7 THE WITNESS: We agreed on a nine-month
8 contract. We've agreed also --

9 SPECIAL MAGISTRATE: What do you mean by a
10 nine-month contract? Are you referring to the
11 year?

12 THE WITNESS: Faculty will work a nine-month
13 period.

14 MS. HEEKIN: The 169 duty days.

15 SPECIAL MAGISTRATE: Okay. Got it.

16 THE WITNESS: Thank you.

17 MS. HEEKIN: So that's like a fall semester
18 and a spring semester.

19 SPECIAL MAGISTRATE: Okay.

20 THE WITNESS: We've also agreed to an
21 optional 12-month contract that would include a
22 20 percent salary increase. So this is new. This
23 is something that administration proposed,
24 recognizing that for those faculty who take on
25 additional work in the summer, including teaching

1 classes, but also those workload issues that the
2 Provost spoke to about, the advising, the office
3 hours, the professional development. Instead of
4 just paying the overload rate, we will pay a 20
5 percent --

6 SPECIAL MAGISTRATE: You're a 12-month job?

7 THE WITNESS: Yes.

8 MS. HEEKIN: That's also for the extended
9 contract.

10 THE WITNESS: That is the extended contract,
11 yes.

12 MS. HEEKIN: So the extended contract is the
13 169 plus if they teach that summer.

14 THE WITNESS: Correct.

15 MS. HEEKIN: So it's not necessarily all 12
16 months.

17 SPECIAL MAGISTRATE: They work all year
18 around?

19 MS. HEEKIN: Correct.

20 SPECIAL MAGISTRATE: They're scheduled all
21 year around normally?

22 MS. HEEKIN: Yeah. So it's like the fall,
23 the spring, and summer.

24 SPECIAL MAGISTRATE: How many of those do you
25 have?

1 THE WITNESS: How many of those?

2 SPECIAL MAGISTRATE: Yes.

3 THE WITNESS: None. We've never done it.

4 SPECIAL MAGISTRATE: Okay.

5 THE WITNESS: This is something new we're
6 proposing. So, again, we've really tried to focus
7 on --

8 SPECIAL MAGISTRATE: Okay. Got it.

9 THE WITNESS: -- what do we want to
10 accomplish and what should we be paying for, so
11 this was something important.

12 Another one that's new is these hard-to-fill
13 positions. So as we expand our nursing program,
14 for example, some of those programs it's harder to
15 bring individuals into the program. So we agreed
16 to a 20 percent increase for their starting
17 salary.

18 And then the 2 percent increase for
19 additional educational attainment, we've always
20 had that. That's retained. The 2 percent pay
21 raise that we've agreed to, that obviously is new.

22 Some other things that we've put into place,
23 an increase for program chairs. In the past, our
24 program chairs -- and I think that Brenda Reid was
25 a program chair, right? So one of them you met

1 yesterday. They have a stipend, an additional pay
2 that they receive. That stipend is currently
3 2,704. I don't know why the \$4. But it's
4 currently \$2,704. We've proposed to pay \$2,000 a
5 semester. It's \$2,704 for a year, and we're
6 proposing \$2,000 a semester. So when the Provost
7 and Dean ask you to take on the assignment of
8 program chair, recognizing the additional duties
9 and responsibilities that that encompasses, that
10 will be compensated with a \$2,000 stipend.

11 SPECIAL MAGISTRATE: So instead of getting
12 \$2,700 a year, someone would receive basically
13 \$4,000 total?

14 THE WITNESS: Yes. And for some of the
15 programs, it may be longer. And there's also
16 reassign time.

17 40 percent reassign time; is that right?

18 DR. MOORE-DAVIS: Up to.

19 THE WITNESS: Up to 40 percent reassign time.

20 MS. HEEKIN: And if you want to look at it,
21 Article 23 is the wage article.

22 MR. CROSLAND: All of this is in our paper.

23 SPECIAL MAGISTRATE: I like this, though. It
24 kind of summarizes it.

25 MS. HEEKIN: Yeah. Section 5 starts with the

1 salary supplements.

2 SPECIAL MAGISTRATE: This is all you have a
3 tentative agreement on already?

4 MS. HEEKIN: Exactly.

5 SPECIAL MAGISTRATE: I'm just trying to see
6 what already has been put on the table and
7 everybody is --

8 MS. HEEKIN: Perfect.

9 THE WITNESS: Thank you.

10 Two more things. The increase for
11 instruction of directed individual studies. So
12 we've increased the amount that a faculty member
13 receives for that. And we've also increased the
14 amount they receive for teaching honors modules.
15 So a lot of this is from careful research from the
16 Provost and her team, looking at what's important
17 to the college and what we value and wanting to
18 put resources there.

19 And then the last item I wanted to touch on
20 is the nonteaching pay assignments. And these are
21 in the wages article where we have defined what
22 these are. These are extra assignments that
23 faculty members may take on. And there's a list
24 of them in the back of Article 23. There's an
25 appendix that lists them.

1 For example, some of them may be working with
2 our theater in drama and being a faculty for first
3 year, working with our model UN or Phi Beta Kappa.
4 These are additional nonteaching pay assignments.

5 So previously when -- when I collected all
6 this data from a human resources perspective,
7 looking at all the different pay supplements and
8 all the different stipends and trying to determine
9 who we pay and why, honestly it was kind of a
10 mess. It's all over the place. There was a lack
11 of consistency. There was, as the Provost
12 previously mentioned, a lack of well-defined
13 outcomes. Well, what do we want to achieve with
14 this?

15 So we went back and tried to accomplish that,
16 to provide -- again, making sure we put our
17 resources where we want to effect change, where
18 it's most valuable, having accountability. So we
19 went back and did that and established pay rates,
20 and those are in the wages article for each
21 different type of nonteaching pay assignments.

22 SPECIAL MAGISTRATE: Question.

23 THE WITNESS: Yes, sir.

24 SPECIAL MAGISTRATE: Did this nonteaching pay
25 assignment exist earlier?

1 THE WITNESS: It did.

2 SPECIAL MAGISTRATE: I mean, it's current
3 now?

4 THE WITNESS: Yes.

5 SPECIAL MAGISTRATE: So these are
6 adjustments?

7 THE WITNESS: Yes. So it's never really been
8 defined well.

9 SPECIAL MAGISTRATE: Some go up, some go
10 down?

11 THE WITNESS: Perhaps, yes.

12 SPECIAL MAGISTRATE: What does that mean?

13 THE WITNESS: Well, because we've never
14 really defined them well before.

15 SPECIAL MAGISTRATE: Okay.

16 THE WITNESS: And now we have. Now we
17 have --

18 SPECIAL MAGISTRATE: So you may get --

19 THE WITNESS: -- in our wages article.

20 SPECIAL MAGISTRATE: Okay. You've kind of
21 given them definitions of what they are?

22 THE WITNESS: Yes, and expectations.

23 SPECIAL MAGISTRATE: And expectations.

24 THE WITNESS: Which was important from our
25 perspective to say here's what you're going to be

1 doing, it has a beginning and an end date that
2 you'll get this supplement and here's how much
3 we'll pay you.

4 SPECIAL MAGISTRATE: Okay. Are there
5 increases in this or just more clarification and
6 benchmarks?

7 THE WITNESS: Some of them may be increases.

8 SPECIAL MAGISTRATE: Are there decreases?

9 THE WITNESS: Some of them may be decreases.

10 MS. HEEKIN: It's gone to one rate. So if
11 it's a --

12 SPECIAL MAGISTRATE: They're all one rate,
13 okay.

14 THE WITNESS: So we've put it into three
15 categories.

16 SPECIAL MAGISTRATE: Three categories, okay.

17 THE WITNESS: And this is in Exhibit 23.

18 SPECIAL MAGISTRATE: I'll look at it later.
19 I got it.

20 MR. CROSLAND: Page 61, it's the last page.

21 THE WITNESS: On page 58.

22 MS. HEEKIN: So there's one rate for academic
23 enrichment, one rate for faculty enrichment, one
24 rate for course development.

25 THE WITNESS: Right.

1 SPECIAL MAGISTRATE: Got it.

2 MR. WAZLAVEK: And just to clarify, the list
3 in the back, that's an exhaustive list, right? I
4 mean, you don't add to it afterwards unless you
5 bargain it?

6 MS. HEEKIN: Right. That's the list.

7 MR. WAZLAVEK: All right. I just wanted to
8 make sure I understood that.

9 THE WITNESS: So, again, I just want to take
10 a few minutes to go over what we had agreed on and
11 have the opportunity to present to you some of the
12 things where we had increased pay.

13 THE COURT REPORTER: Can we switch out court
14 reporters real quick?

15 SPECIAL MAGISTRATE: Okay. Yes.

16 (Whereupon, a recess was taken.)

17 (CONTINUED IN VOLUME 5)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, MICHELLE SUBIA, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages, numbered 342 through 461, are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 1st day of April, 2018.



MICHELLE SUBIA, CCR, RPR
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