California Community Colleges
Classified Senate

The Issue Before Us: The Right to Choose

A Discussion for Classified Senates

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First, it is important to say that classified unions in community colleges have achieved many great things for their members. There is no question of the value of these organizations and their contributions to community college employees. There is also no question that community college classified staff will continue to support their unions in their collective bargaining efforts. It is unfortunate that some classified unions and classified staff are currently in disagreement over an issue that directly affects all classified employees. This disagreement will, without a doubt, have negative effects on the campus community and, if SB 235 is passed, negative effects on the shared governance process.

This discussion is by no means anti-union. Though discussion in opposition to SB 235 has generated some condemnation toward 4CS and classified senates, classified staff strongly believe in their rights to choose the way they participate in governance. It is important now to look this issue head on and face the facts. The majority of classified staff are, after all, local members of the state unions who are forcing SB 235 upon us. As union members, classified staff are now forced to be direct and to the point.

For the first time in community college history, some unions are holding down community college classified staff with an iron fist. Classified staff are being told, by the unions they elected to represent them in collective bargaining, that they have no rights beyond union control. Unions have proposed expanding their "role" to include dictating the daily lives of their members, to limiting member influence and input into the institutions they wish to serve, and to limiting their ability to choose how they want to contribute to governance and participate outside of collective bargaining. Is this how classified unions want to be perceived?

Across the state classified staff are asking, "Why?"

The term "Paradigm Shift" is a perfect analogy for the shift in attitude toward classified staff in the last decade. This forward movement has taken a lifetime to achieve, and, if unions are responsible for adding that one word "staff" to AB 1725, then classified staff thank them profusely. But union control in the governance arena will only result in the loss of participation for classified staff. It will result in the loss of respect and acknowledgement that classified staff has gained in the last decade. For the first time some of our unions could be taking us backwards.

Why are unions trying to exert control over their members? Is it a power play? Is it an effort to increase the union fee structure, necessary to increase overseeing classified participation in governance? Is it ego of a few members of the state union executive councils who believe classified

cannot move forward without the union leading the way? Is it a union effort to begin statewide bargaining? Is it local union executive boards that do not want to share self-importance or reward for staff accomplishments? Is it fear of individual actions or freedoms? Or is it self-preservation? Or, finally, is it bad business to encourage a positive environment for collective bargaining purposes? (Is this honest enough?)

These are all questions that classified staff across the state are asking themselves.

Why is there conflict between certain union and classified groups on community college campuses? There are a few scenarios.

Some classified staff have selected senates/councils, hereinafter referred to as senates, so they can participate effectively in governance. Administrations are by law not required to deal with collective bargaining units on other than negotiable items. This allows administrations to keep mandatory contact to a minimum. On many campuses (not all) this relationship was negative and classified involvement in governance was limited. There are guidelines for classified participation for both the exclusive representative and classified organizations. Development of senates/councils was a courageous step by classified staff to move forward in a positive direction. Instead of embracing and working with the opportunity, many unions have chosen to fight it. Some statewide union organizations have also encouraged local chapters to insist that senates/councils are illegal, furthering the conflict on campuses. The National Labor Relations Act and case law states that classified employee organizations and committees outside of collective bargaining can exist. The conflict arises when a classified employee organization meets the criteria of a rival labor organization. (See **LEGAL OPINION** Of State Chancellor's Office Regarding Minimum Standards for Staff Participation in Governance.)

Let us be perfectly clear: The courts do not find classified organizations to be illegal. Only when a complaint is made will they act upon it and make a decision. In essence, they leave it to the people involved to decide if the situation is one they choose to correct. More than half of community college classified staff members have chosen senates or councils. This figure should mean something to all of us and to OUR state and local unions.

> "The Board, nevertheless, has made clear its view that employee groups may exist apart from exclusive representatives and may lawfully communicate with the employer. The critical requirement is that such groups remain outside the representational environment. This point first was made in *Oak Grove* and then reemphasized in *Redwoods*. Quoting with approval various National Labor Relations Board (NLRB) decision, the Board set out two circumstances in which employee groups could conduct lawful relationships with employers. These circumstances occur where the employee groups "engage in a mere discussion with management" or where "management has delegated actual decision-making authority" to the groups. (*Redwoods*) The classified employees council in *Redwoods* did not meet either test because its activities "went beyond discussions, but fell short of constituting delegated managerial decision-making authority." (Ibid.) *Conclusions of Law, California PERB Administrative Law Judge, Ventura PERB Case Review 25089*.

Unions have the option to prove a senate, council, committee, etc., constitutes a labor organization. Classified senates should not be making recommendations on collective bargaining issues. Senates should work with unions to establish a delineation of duties. Several such documents and agreements are in effect on campuses and should be honored and used as models. It should be made clear that it is established in law that it is not illegal for a committee to discuss items that may be collective bargaining in nature, but if the discussion results in a recommendation, it can be a violation. This is written in law!

Unless a classified group elects via the union to develop a senate, that organization is at risk by violating the PERB criteria. Unions will always be able to inform senates when the union should make a committee appointment, or if they think the union has purview over the issue, or if the senate is in violation. Currently campuses with good union/senate relationships work in exactly that way and that is the process that should be supported and enforced by both state senate and union organizations. Classified senates/councils should consult with their union to establish which committees require union representation, or both union and senate representation, and where no union representation is necessary. If a classified staff member on a committee thinks a subject of a collective bargaining nature is being discussed or introduced, it is important that the member voice his/her concern to the committee and ask their union and classified senate officers for their opinion. A one-time discussion of a collective bargaining nature is not a violation.

Make no mistake, the union has the power to dissolve a classified "committee" if it feels threatened and can show that the group meets the test of a rival labor organization. This test is to meet, not one, but in totality the items on step 2 of the list of criteria for a **rival labor organization**. Meeting only part of the criteria does not constitute a violation in itself. An evaluation of each point of criteria from a classified perspective follows the Chancellor's Office Legal Opinion here.

The California Community Colleges Chancellor's Office Legal Opinion M 90-24 states the following:

LEGAL OPINION
Of State Chancellor's Office
Regarding Minimum Standards for Staff Participation in Governance

Staff should have the choice of how they want to organize and present their views on governance matters. They should have the flexibility to choose how they organize and provide views on governance matters.

They have the right to form, join and participate in the activities of an employee organization.

PERB uses a two-step approach in determining a violation of the exclusive bargaining agent's'rights:

1. If the group constitutes an employee organization. That is, does the employee organization:
    a. Meet regularly?
    b. Consist of elected representatives?
    c. Make recommendations on bargaining issues?

2. If so, does the **totality** of circumstances include:
    a. Support by the governing board as shown by
        (1) Employer financing group?
        (2) Employer giving employees release time?
    b. Domination by governing board as shown by
        (1) Employer scheduling organization's meetings?
        (2) Employer determining the agenda?
    c. Interference of governing board as shown by

(1) Employer taking action to favor the group or undermine the credibility of the exclusive representative?

4CS Summary

Before continuing it is important to explain that the criteria established in the chancellor's legal opinion and outlined in AB 1725 is the criteria used in labor law to establish a RIVAL LABOR ORGANIZATION. Classified senates should never meet 1.c. or 2.b. through 2.c(1) of this criteria. Because this criteria was briefly outlined in AB 1725 with the directive to boards to allow staff participation, unions interpreted that to mean that meeting any of this criteria established an illegal group.

1. If the group constitutes an employee organization. That is, does the employee organization:

a. Meet Regularly?

If a senate/council does not meet regularly, it is not an affective group. Almost all affective committees meet on a regular basis.

b. Consist of elected representatives?

Electing representatives is the democratic way. To do otherwise would not be a fair use of this committee.

c. Make recommendations on bargaining issues?

Labor code and cases presented do not require committees to refraining from discussing bargaining issues, but from making recommendations on bargaining issues. The safe action here is to refrain from both discussion or making recommendations.

2. If so, do the TOTALITY of circumstances include:

a. Support by the governing board as shown by

(1) Employer financing group?

It is essential to remember that the criteria listed **in totality** must exist to establish a rival labor organization.

This is the most difficult criterion point to avoid. Classified employees are unable to participate fairly in the governance arena without financial support from the institution.

If the criterion was applicable to employee governance committees, classified staff would be asked to donate their time, energy, and personal funding to further institutional goals, not personal or unit goals. No other campus employee group is required to do this.

This is where the confusion arises between the definition of the two classified groups. One is a private labor organization whose primary responsibility is to the working conditions and benefit of the paying member. The other exists primarily to further the mission and vision of the institution by providing classified input – expertise into the decision-making process from a classified perspective outside of collective bargaining, and educating classified staff on the processes, policies and procedures of the institution while promoting leadership skills.

Unions and senates should not conflict, but complement each other. It is within the two groups that failure may occur: one by being threatened by the other, and one by threatening. The first failure is not allowing the senate and union to solve their own issues. If one group clearly violates the rights of

the bargaining agent, a complaint and action should be expected, and a resolution needs to be found to prevent a violation of union rights.

Classified staff should not be expected, and unions should not ask them to:

(1) Take their lunch and break time to contribute to campus governance;

(2) Provide a communication, education and leadership service to other staff members on their own time or at their own expense (newsletters, communications, etc.); or

(3) Be asked to oversee the coordination of governance input and communication on their own time.

Classified staff do not ask themselves, "Is it worth it to me?" They ask themselves, "Is it equitable?" as other campus groups are not required to take their own personal time and money to participate for the institution as a professional. How could AB 1725 purposely grant classified employees the right to participate without supporting that participation? It is the difference between the two groups that must be accepted by the union leadership – classified senates/councils are not rival labor organizations, but governance committees.

Classified unions feel financial support is unfair and constitutes a lack of equity between the groups. This brings us back to the fact that campuses **cannot financially support** labor organizations outside of what is stipulated by law or included in collective bargaining. Unions often require different kinds of support needs due to their different functions. Administrations do financially support mandated and negotiated activities. The achievement of classified employee committees, such as senates, receiving such support from a District, should be an accomplishment in itself.

Participatory (shared) governance has to be a way and a means of doing business. If it is not, it is a carrot dangled in front of classified with no intent to allow real participation.

(2) Employer giving employees release time?

Again, it is essential to remember that the criterion listed is to establish a rival labor organization must be **in totality.**

The suggestion that employees would use their personal or vacation time to participate in community college governance makes a mockery of the true vision of AB 1725 and gives discriminatory and unfair advantage to management and faculty.

Again, classified staff do not ask themselves, "Is it worth it to me?" They ask themselves, "Is it equitable?" as other campus groups are not required to take their own personal time and money to participate. How could AB 1725 purposely grant classified the right to participate without supporting that participation?

Classified staff are released from their positions to sit on committees to participate as part of their overall job responsibilities. Employee positions on many campuses have evolved to include the stipulation of committee participation in job descriptions. Union contracts should not have to state that committee participation is a responsibility. AB 1725 establishes that "staff will be given the opportunity to provide input and every reasonable consideration given to that input." Input through committees is a logical expectation and is an established successful pattern of involvement.

"Release time" is the issue of an employee needing enough time to contribute to a committee that reduces the actual time she or he is able to do her or his job and it is necessary to bring in a temporary hourly replacement for some of those duties. This is usually in the case of a committee chair, or in this case, a senate president.

To avoid the "release time" issue with a non-supportive union some classified staff continue to do their jobs by working through lunches, breaks, evenings and weekends to accomplish affective

coordination of governance participation. Many senate presidents do just that. A supportive union has negotiated release time for classified senate governance participants. Some senates have attained some release time with the union looking on in disagreement. Senates must realize that this is a temporary arrangement and, without the union negotiating release time in the classified contract, the arrangement can be rescinded on a moment's notice. Unions should also view this release time as a temporary arrangement because it has not been negotiated. Unions should be supportive and initiate release time agreements for classified senate members. Release time for classified staff is a positive accomplishment that unions should support.

b. Domination by governing board as shown by

(1) Employer scheduling organization's meetings?

This should never take place. It is a known fact and should not be questioned: Classified senates must be created by, directed by, and maintained by classified staff.

(2) Employer determining the agenda?

Again, this should never take place. It is a known fact and should not be questioned: Again, classified senates must be created by and maintained by classified staff. Classified senates must be the creations of, directed by, and maintained by classified staff. Agendas may contain governance items that the district requests be discussed and that a responsive senate will consider.

c. Interference of governing board as shown by

(1) Employer taking action to favor the group or undermine the credibility of the exclusive representative?

The responsibility for preventing this lies on the administration for knowing and following the law and on classified unions and senates for monitoring and preventing this from succeeding.

The language in AB 1725, unfortunately, gave rise to concerns about classified "employee organizations." In trying to direct districts to avoid influencing an employee organization in a way that would establish a rival labor organization, criteria language was integrated specifically from PERB and Labor Code for establishing a rival labor organization within the same paragraph discussion. The paragraph, 51023.5, is segmented for discussion here.

51023.5.Staff.

(b) In developing and carrying out policies and procedures pursuant to sub-section (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organizations, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.

This aforementioned section clarifies the law pertaining to rival labor organizations. Until an exclusive representative is chosen, more than one employee organization could exist, competing for the same duties.

(b) . . . In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code.

Code 3540 referenced above:

3540. Purpose of chapter

It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy. This chapter shall not supersede other provisions of the Education Code and the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations, so long as the rules and regulations or other methods of the public school employer do not conflict with lawful collective agreements.

Notice that underlined are three separate statements that employees are allowed to: 1) join organizations of their own choice, (2) to be represented by the organizations in their professional **and** employment relationships with public school employers, and (3) to **select one** employee organization as the **exclusive representative** of the employees in an appropriate unit. Also note that (2) of this paragraph has plural organization**s** for professional and employment relations. In Labor Law and Education Code "employment relations" is stated consistently to specify the exclusive representative. The definition of "exclusive representative" and "scope of representation" for this same section follows:

3540.1(e) "Exclusive representative" means the employee organization recognized or certified as the **exclusive negotiating representative** of certificated or classified employees in an appropriate unit of a public school employer.

3543.2. Scope of representation

(a) The **scope of representation shall be limited** to matters relating to wages, hours of employment, and other terms and conditions of employment**. "Terms and conditions of employment" mean** health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of probationary certificated school district employees, pursuant to Section 44959.5 of the Education Code, and alternative compensation or benefits for employees adversely affected by pension limitations pursuant to Section 22316 of the Education Code, to the extent deemed reasonable and without violating the intent and purposes of Section 415 of the Internal Revenue Code. In addition, the exclusive representative of certificated personnel has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent such matters are within the discretion of the public school employer under the law. All matters not specifically enumerated are reserved to **the public school employer and may not be a subject of meeting and negotiating**, provided that nothing herein may be construed to limit the right of the public school employer to consult with any employees or employee organization on any matter outside the scope of representation.

Next we look at the remainder of the AB 1725 paragraph:

51023.5.Staff.

(b) In addition, governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

Classified organizations or committees, collective bargaining or governance, should be respected for the established and separate roles they play. Favoritism should not be measured by financial support or release time. Community college administrations are governed by law as to how they must work and support unions. Contracts dictate release time for unions and the state dictates reimbursement for this activity. Unions should not place on their members, the classified staff, the limits that are placed on union organizations. This is counterproductive and unions should be required to listen to their members.

Unions should be given the right to participate in any arena or committee that affects classified staff working conditions or collective bargaining areas.

Not only should administrations not endeavor to undermine the credibility of unions, but classified staff should never allow such manipulations to happen. Unions should also trust their members, the classified staff they serve, to make professional decisions. Unions should educate their members on what realistically area negotiable and non-negotiable items. In the CSEA *Shared Governance Resource Manual*, produced by CSEA Community College Committee, pages are included for SUBJECTS WITHIN SCOPE OF BARGAINING, and for SUBJECTS OUTSIDE SCOPE OF BARGAINING. Unions, therefore, at least CSEA, do recognize that there are issues outside the scope of bargaining and outside the scope of representation.

Collective bargaining is often one of agreeing to disagree, or **not** agreeing to disagree. Reality dictates that in association with collective bargaining activities one cannot always quickly remove one "hat" and walk in the next room and put on another "hat." Although unions argue this point, what is in practice on campuses confirms this reality. Bargaining can often be an emotional activity that requires restraint and control. Unions must often maintain an adversarial distance or position separate from the district to accomplish their duties. This reality needs to be viewed objectively, not defensively. Perhaps in the future this will not be an issue, but it is important to deal with reality in the here and now.

The state unions need to also recognize that local unions may not want the additional responsibility or have the time for governance. AB 1725 has increased the number of valuable committees classified staff are allowed to participate on, and many of these committees require the unions to participate. But some committees are developed for governance purposes only and are outside collective bargaining. If a senate member or an appointed classified staff member participating on a committee thinks that a union member should attend or replace that person, it is the responsibility of the classified staff member to make this suggestion.

Here are some concerns that have been voiced by CSEA and have been disputed by 4CS as local problems that should be resolved on the local level.

Concern: There are "few" classified senates in California and they are ineffective.

Answer: Of eighty classified senates in the state, how many are effective? A survey should be taken by 4CS. From the input 4CS has received, senates are alive, well, flourishing, and effective, and sharing their successes and difficulties. It is true that over the years some senates, because of union resistance, are inhibited from being affective or have been forced to relinquish their responsibilities to the union. With approximately 80 senates, a "few" is clearly a misleading statement.

Concern: With senates, management can go around the collective bargaining process and confer with non-union appointed committee members.

Answer: The majority of classified staff ARE union members, except the small number of confidential employees who participate. All classified employees should be aware that committees should not make recommendations on collective bargaining issues. Classified employees should be given more credit.

Concern: Some senates include confidential employees and they represent and will enforce management views.

Answer: Confidential employees make up a fraction of community college classified employees in California. The small number who participate in senates are few, but valuable members. Governance is a system of bringing expertise to the discussion process. Confidential employees have had little or no voice before AB 1725. Classified senates use the democratic process and no one person can overpower a senate with input or opinions. Within the law, confidential employees should have the right to participate in senates if possible.

Concern: There is disagreement about which issues are negotiable or non-negotiable items.

Answer: CSEA's *Shared Governance Resource Manual* outlines subjects within and outside the scope of bargaining. The subjects within the scope of bargaining are not limitless as seen in these documents. Senates should work with unions to establish a delineation of duties. Several such documents and agreements are in effect on campuses and should be honored and used as models.

Concern: Classified senates are not designated in code.

Answer: Senates are glad this was brought up. Classified senates are only a decade old, though a few have been here much longer. Before establishing senates in code, senates needed to prove they could have a successful role in governance. As any other "new" group, the bugs needed to be worked out. Unfortunately, the lack of cooperation of some unions has slowed the normal progress down on some campuses. It is time, however, that classified senates were established in code as the group to organize input for classified staff in community college governance. 4CS has written such language for Title V. Placing such language as a higher priority in Education Code, and not under Title V and the direction of the Board of Governors, is inconsistent and unproductive within the participation process.

Concern: Senates receive more release time than unions.

Answer: Senates are not unions. Labor law is fairly specific about the contributions administrations can make in support of unions. Senates are also not rival labor organizations, therefore do not fall under the criteria used to establish a rival labor organization. Unions should not feel jilted by the support the institution provides to governance committees. The majority of classified staff are union members and all should contribute to both organizations during their tenure at the institution.

Concern: Senates have all the fun.

Answer: Coordinating and participating on senates and governance committees is hard work. But classified staff will agree that unions have a very difficult job. The role of the union is to protect and negotiate working conditions. This is very serious business for the benefit of classified staff – there is very little that is "fun" about it. It is the nature of the beast. There is nothing from precluding unions from sponsoring fun events.

Concern: There is no law that senates are accountable to their members.

Answer: Shared governance does not deal with negotiable items, therefore there are no laws to regulate accountability for input. Laws set minimum standards for behavior. Personal commitments drive us beyond what the law would demand. Personal commitments and ethical beliefs can hold an individual to be more accountable than laws alone. There are no laws to govern committee behavior or integrity. This concern implies that classified staff cannot effectively participate and would participate in less than an ethical capacity without integrity. All employees, whether in a union or senate capacity, should participate in a responsible manner while serving on committees. Labor organizations **require** accountability measures. Though governance does not require by law accountability measures, the integrity of an individual serving on a governance committee should be respected as a valuable employee providing valuable input within his/her expertise and experience.

When one union introduced legislation to expand the role of unions to include all committee appointments, classified employees were shocked that this legislation would be introduced without presenting the issue before community college classified union members. These state union officers made a unilateral decision to take away committee appointment responsibilities of almost 80 senates without consultation or discussion with its own union members, many of which do not belong to that union. Up to this point, CSEA classified union members assumed (yes, the bad "A" word) that the usual process was to vote on such a proposal for legislation before a yearly conference delegation. It has shocked thousands to learn that there are two ways to introduce legislation – by conference vote and by the board of directors. The greatest shock was that this proposed legislation is directed at its own members. If SB 235 is approved, the effects could be resounding.

The bottom line is that classified staff need the support of their unions on the local and the statewide level, not their opposition. Classified unions need to realize that objective participation in governance has been a great step forward for classified staff and the collegial atmosphere in community college. When unions have embraced the effectiveness of senates or councils, both the unions and the classified staff benefit. The choice is clear.

Conclusions:

To give classified unions the sole right to make appointments to committees eliminates classified staff's right to choose the way they participate in governance, and the right to choose senate members. It also expands the role of unions outside collective bargaining and scope of representation. This is a local issue and should be a local decision. Placing such a mandate in Education Code takes away the rights of the many to give control to the few. This is not the purpose of law.

The proposed language does not address those campuses that have multiple unions. How would multiple unions decide who would sit on committees? Each union having a seat on a committee would imbalance the committee representation, making the committee ineffective for shared governance. This issue does not seem to have been considered.

Perhaps SB 235 should address the real issue, and that is unions should be allowed to participate on governance committees where they have a direct and significant affect on collective bargaining decisions. If SB 235 should become law, it should only be with this language.

Unions have the responsibility to support the decisions of those they serve. The question here is whom do unions serve? Classified senates do not view governance activities as an avenue for power, but avenue for input. Governance committees have a responsibility of looking at a wider view and taking in the interests of more groups and people than what is required in collective bargaining. This is not a control issue for senates, but freedom for input.

SB 235 has forced this issue out into the open and will hopefully begin a dialogue with the respective parties to evaluate not only the benefits and opportunities that are made available to classified staff by developing senates, but how to mediate and eliminate the conflicts between senates and unions that might exist. In doing so, there may be issues that arise for discussion that need open-minded individuals to find solutions. Senates are a decade old (yes, there's a few older ones out there) and it is time to resolve issues and introduce dialogue to discuss the issues that need to be addressed.

The proposed legislation is anti-classified and unproductive. We hope the unions will agree that there are alternative processes to achieve the desired results. The first step is communication. It is imperative that classified employees speak to their union leadership and contact their state leadership and tell them what their wishes and rights are – before they lose them completely.

These are exciting times - we are speaking here of the evolution of respect and equality in community colleges. 4CS hopes that all involved with this issue will open their minds and see the benefit of classified senates and non-union control of governance issues.

Instead of unions being in opposition to senates, senates should be deemed achievements that classified have made toward a fair collegial environment, with the assistance of their unions.

The movement of classified staff into the collegial environment of college governance is an achievement for classified unions. The support and perseverance of classified unions have encouraged the community college community to recognize classified staff in many ways. Classified senates have proven that their contributions to the governance process will assist in accomplishing the vision and mission of the institution and further student success in a non-collective bargaining atmosphere. The development of senates and councils is in no way disrespectful of classified unions, but a choice to focus classified unions on collective bargaining - the primary role of unions, and senates to participate in a non-collective bargaining capacity to provide input on a professional basis and not bring a "negotiable" presence to governance. A union appointed representative cannot help but be viewed as a union appointed representative. This is not the environment of shared governance. This choice is not "shutting" out our unions. Unions can also be more effective in collective bargaining by focusing on that responsibility. Unions have the difficult task of protecting our collective bargaining rights and working conditions – they have their hands full and are admired for their commitment. Classified staff should share the responsibility of both groups. It is now time for unions to decide what is best for classified staff members and not what is best for the union organization.

This necessary discussion in no way states that classified staff are unhappy with their collective bargaining representatives, on the contrary, we support them completely. Please note, however, that this conflict was not initiated by classified senates or 4CS. CSEA seems unwilling to acknowledge that governance is not an issue of collective bargaining, even though the majority of community colleges have established a pattern of senates and unions working together. Classified senates believe that a reasonable separation between governance and collective bargaining is healthy for all. There are no hidden agendas, no enemies. Classified staff should, however, not be criticized by their local unions or the state union offices for voicing their right to free speech.

Classified staff has the right to choose their employee organizations, they have the right to choose their exclusive representatives. They have the right to choose how they participate in governance. Democracy is the right to choose.

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