2008-2011 CBA Negotiations Underway

Anna Bellisari, President

For the fourth time in ten years, AAUP-WSU is negotiating with the WSU administration to develop our Collective Bargaining Agreement, which will be in effect from 2008-2011. After months of preparation by AAUP-WSU, the Negotiating Team, led by Professor of Economics Rudy Fichtenbaum, is meeting weekly with the University’s team to consider new proposals and modifications to the current contract.

If the past is any guide, it will take months of effort to work out an agreement which will be presented to the membership of AAUP-WSU for approval. Other members of the Negotiating Team are Donna Miles Curry, Barry Milligan, Paulette Olson, Matt Rizki, and Jim Vance. All of them have contributed a huge amount of time to this effort; Rudy and Matt have even devoted a portion of their professional development leaves to the negotiations.

During Fall Quarter the Bargaining Council, composed of representatives from every college, met each Friday to review draft articles and additional proposals, and their weekly meetings continue today. Items approved by the Bargaining Council are forwarded to the AAUP-WSU Executive Committee for review and approval, and finally reach the Negotiating Team. Together the 30 members of the Bargaining Council and Executive Committee represent a broad cross-section of our union’s membership and provide critical contributions to the Collective Bargaining Agreement.

I’m sure you are as gratified as I am that members of the Bargaining Council, Executive Committee, and Negotiating Team have taken on this enormous responsibility. But it takes even more to develop a successful agreement. It takes a well-informed, active membership to carry the task to completion. Therefore I urge you to monitor the progress of negotiations by frequently checking the AAUP-WSU website (http://www.wright.edu/admin/aaup.html) for a link to weekly negotiation updates. Your questions and comments throughout the negotiation process are very welcome and can be addressed to any member of the Negotiating Team or Executive Committee (see contact information elsewhere in this issue).

Last, but not least, your vote will be needed when agreement has been reached. Only regular chapter members of AAUP-WSU are eligible to vote on the agreement. Currently 75% of all Bargaining Unit Faculty are regular chapter members, the highest rate since the union’s founding ten years ago. If you have not yet become fully affiliated (at no additional cost to you), or if you know of a colleague who has not, I urge you to contact our office as soon as you can. Administrative Assistant Connie Jacobs (775-3608, connie.jacobs@wright.edu) will provide you with an application form and instructions (also located on our website). If you prefer, a member of AAUP-WSU can contact you or your colleague to discuss membership with you.

Our members are our greatest strength, especially at this critical time for the Bargaining Unit Faculty at Wright State and to the AAUP-WSU Executive Committee during the negotiating process. The list of Bargaining Council representatives can be found at:

http://www.wright.edu/admin/aaup/nego.html#BC
Key Proposals in Negotiations

Rudy Fichtenbaum, Chief Negotiator

In the ground rules established for this round of negotiations each side agreed to exchange non-economic proposals on February 1, 2008 and economic proposals on April 4, 2008. Since economic issues are not yet on the table this article will not comment on those issues but they will be the subject of an article in an up-coming newsletter. This article will attempt to summarize the key non-economic issues that are on the table in this round of negotiations. Thanks to the hard work of our Communication Officer Jim Vance you can view side by side comparisons of the AAUP-WSU proposals and the administration’s proposals on our Web site. http://www.wright.edu/admin/aaup/nego.htm

What are the key non-economic issues that are on the table? In Article 7 the administration has proposed some language regarding faculty availability for meetings. The language would allow for meetings during the three 11 week quarters, at other “reasonable times” during the Summer quarter and the December Intersession and three days before the beginning of the Fall quarter, two days following the end of the Fall quarter and three days after the end of the Spring quarter. Our current CBA language states that consistent with past practice faculty will be available throughout the academic year. The administration’s proposal would seem to expand the time when faculty would have to be available for meetings.

Currently Article 10 states that the academic year will be divided into three 11 week quarters and a 10 week summer term. In other words, it says that we will be on a quarter system. To change from a quarter system to a semester system the administration would have to negotiate with AAUP-WSU. This current language puts Bargaining Unit Faculty in a much stronger position because while we have to negotiate over the calendar there is nothing (short of the law) that can compel us to agree to a change in the calendar.

The University administration is asking for language that would allow it to make a decision to move to semesters without negotiating with AAUP-WSU, although they would be willing to negotiate necessary changes in the CBA such as compensation for summer school, Professional Development Leaves, etc. The administration states in its proposal that its goal would be to preserve existing levels of benefits and responsibilities. Despite this reassurance, the administration’s proposal would definitely weaken the position of the faculty. In effect it would allow us to negotiate the terms of our surrender rather than deciding whether or not we should surrender.

Both AAUP-WSU and the administration have agreed to a major reorganization of Article 13. Neither side has proposed substantive changes in the promotion and tenure process but both sides agree that the version of Article 13 in the current CBA is confusing. Article 13 started out as a codification of the language from our old Faculty Handbook, which predated collective bargaining, with some important additions. The additions were that each department needed to have bylaws with written criteria for promotion and tenure, the creation of an appeals process, and the ability of AAUP-WSU to take promotion and tenure cases to binding arbitration. These changes in the promotion and tenure process began with collective bargaining, but the organization of Article 13 still reflects the version that we inherited from the old Faculty Handbook. Therefore, the purpose of the reorganization is to try and put things in a more logical order so that it will be easier for all of the participants in the process to find the relevant information.

Both AAUP-WSU and the administration have made proposals for changes in Article 15, Suspension and Removal of Tenure. The current language in Article 15 is almost verbatim from the old Faculty Handbook which predated collective bargaining. Many of the proposed changes are

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aimed at streamlining the process but without sacrificing the due process procedures which exist in the current CBA. The main proposal from AAUP-WSU is that a hearing board would be jointly appointed by AAUP-WSU and the administration. We currently use this method for the appointment of a promotion and tenure appeals board. Thus our proposal would remove the involvement of the Executive Committee of the Faculty Senate in the creation of a hearing board. The administration's proposal would leave the appointment of the hearing board in the hands of the Senate Executive Committee but streamline the process. Perhaps the biggest and most substantive change sought by the administration would be to take away the right of a faculty member to appear before the Board of Trustees when the Board is inclined to take action against a faculty member.

Finally, in Article 33, Retirement, AAUP-WSU has proposed that faculty be allowed to come back and teach after retiring a minimum of 2 courses per year for three years and be paid at a rate of 2.5 percent per credit hour of a Member's last 9 month base salary. This would allow for a "phased" retirement. Under the terms of the ground rules the administration has declared that it considers this an economic proposal and accordingly we will not be discussing this proposal until after April 4.

Again you can read all of the details of these proposals on our Web page and after April 4 you will also be able to read the details of both AAUP-WSU and the administration's proposals on economic matters. If you have an comments, questions or suggestions about any of the proposals please contact your Bargaining Council representatives

http://www.wright.edu/admin/aaup/nego.html#BC

or members of the Negotiating Team
http://www.wright.edu/admin/aaup/nego.html#NT

or anyone on the Executive Committee
http://www.wright.edu/admin/aaup/Officers.html#officers
Workload Status Quo Agreement

When the WSU administration circulated proposed changes to the existing workload policy last fall, the Executive Committee was quick to point out a number of faculty concerns and a list of Collective Bargaining Agreement articles which would be affected by the proposed changes. After some intense negotiating AAUP-WSU and the University administration have agreed to preserve the status quo on workload through the end of the CBA that is currently being negotiated (that is, through roughly summer 2011).

AAUP-WSU and the administration have signed a memorandum of understanding concerning workload in which the administration agreed to make no changes in the University or college workload policies (without the agreement of AAUP-WSU) through the end of the CBA that is currently being negotiated. In exchange for this agreement from the University, AAUP-WSU agreed that it will make no proposals to amend Article 19 Workload, to introduce new articles on workload, or to add provisions directly related to the assignment of teaching, scholarship, or service to Bargaining Unit Faculty Members during the negotiations for a successor agreement to the current 2005-2008 CBA.

The MOU does allow for changes since the University System of Ohio plan, the final elements of which are to be announced during March, may impose conditions on the university. Current speculation centers on a state ordered shift to a semester calendar; such a shift would almost surely require workload policy changes. However, the MOU ensures that any changes in workload policies made through the end of the CBA currently being negotiated will require the consent of both parties. Specifically, the MOU states that in the event that the University is directed by the Ohio Board of Regents to alter its workload policies, the parties will meet to discuss the issue before any actions are taken, and no changes will be implemented, except by mutual consent, through the duration of the successor CBA currently being negotiated.

Let us add that a change in Ohio law could force the administration to change workload policies at any time. The MOU is silent about that presumably remote possibility, as is appropriate since any agreement we might sign with the administration is trumped by law.

The agreement also permits both parties to propose changes to the existing provisions of the CBA and to propose incorporation of existing Memoranda of Understanding into the CBA.

The MOU does not impair the rights of either the University or the Union pertaining to faculty workload and does not constitute any waiver of any legal right or obligation of either party. Indeed, our union continues to maintain that workload is a mandatory topic for collective bargaining, and the administration continues to maintain that it is prohibited.

The parties may agree by mutual consent to negotiate about or otherwise discuss any matter. AAUP-WSU also agreed that the University may update existing workload policies to correctly cite the WSU Mission Statement, which would have no practical impact on the Bargaining Unit Faculty and those would be unobjectionable.

You may view the MOU online at http://www.wright.edu/admin/aaup/nego.html#feb1

AAUP-WSU Executive Committee Contact Info

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Collective Bargaining Congress Report

Henry Ruminski, Vice President

I was the chapter delegate to the AAUP Collective Bargaining Congress semi-annual meeting Nov. 30 and Dec. 1 in Washington D.C. The hot topic during the business session was the proposed reorganization of AAUP into three interlocked entities. This would better allow the organization to serve its evolving membership. Several speakers made the point that the organization needs to restructure if it wants to grow and better serve its members and higher education in general. Here are key points of the proposed reorganization, some gleaned from materials presented at the business session.

The reorganization is required in part because of the increase in collective bargaining activities and the need to comply with labor regulations. The organization has operated as a charitable organization which limited its ability to lobby and engage in other activities to promote higher education.

The restructuring task force, created in 2004 by the Council of the Association—AAUP's governing board—set out to determine what structure would best allow the Association’s activities to be strengthened and expanded. After examining the organization’s activities and goal, the task force has recommended that AAUP evolve into three entities, each with a different purpose, still under the AAUP umbrella.

At the core of the three-part structure would be a “professional association,” which would bear the name “AAUP” and be much like the AAUP of today. It would continue the familiar AAUP principles and policies. Its members would be individual faculty members who wish to join, whether from collective bargaining chapters or the traditional chapters. These members would select the AAUP’s leaders, and all AAUP staff would work for this professional association. The chapters, state conferences, and the important work of the Assembly of State Conferences, would be an integrated part of this new AAUP.

This change in AAUP structure would make it possible for the AAUP to pursue more vigorously activities such as litigation and government relations, sponsoring conferences dealing with a wider array of professional issues, and offering special benefits to its members.

The second component recommended by the task force would be a “labor organization”—a union that would continue the work of the Collective Bargaining Congress. This newly created independent union—which would likely be named the AAUP-CBC—would be composed of all AAUP collective bargaining chapters. It would support organizing campaigns, assist in negotiating collective bargaining agreements, conduct training seminars, and pursue other traditional union activities. As a separate entity the AAUP-CBC would have a more independent voice on collective bargaining services, dues, and practices.

The third entity, a foundation, would be a “charitable organization” as traditionally defined, whose principal purpose would be to attract contributions to support much of the work of the AAUP professional association. This “AAUP foundation” would seek resources for programs that support AAUP principles. It would have a formal connection to the “AAUP” and seek prominent academic figures to assist in fund raising.

The constitutions of the three entities have been approved by the Restructuring Task Force, the Committee on Organization of the Association, the executive committees of the AAUP’s Assembly of State Conferences and Collective Bargaining Congress, the Executive Committee of the AAUP Council and the Council as a whole, AAUP staff, and outside counsel.

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Questions at the business meeting centered primarily on governance issues and on how existing funds would be allocated between the "professional" and "collective bargaining" entities. AAUP members attending the annual meeting in June 2008 will vote on whether to adopt the new constitution of the AAUP. Collective Bargaining Congress delegates will vote separately on the new AAUP-CBC constitution. The decision to create the AAUP Foundation will be made by the elected national Council, the body with financial oversight responsibility for the Association.

Other sessions included a Legal Roundup session which discussed a variety of recent legal actions which could have an impact on higher education and collective bargaining. Cases included appeals of National Labor Relations Board cases which attempted to redefine what constitutes a supervisory capacity. The NLRB cases do not directly apply to AAUP-WSU because the State Employee Relations Board governs union activities by public employees in Ohio, but the NLRB cases are often cited by state boards in making decisions. Other cases dealt with agency fees, intellectual property rights, permissible activities, First Amendment issues and tenure questions. The central point was that faculty unions must be vigilant and resist efforts which seek to lessen their power.

The dinner speaker Wilma Liebman, a member of the NLRB, made the same point. She said that new appointees to the board have tended to shift the focus of the board and that long standing precedents might be revisited.

Mail to: