

# AAUP

# NEWS

Volume XVI No. 1 Sep. 27, 2004

## AAUP prevails in overload grievance; administration says result “will not be applied to future disputes”

An arbitrator has ruled in favor of the Cincinnati State AAUP on a grievance concerning how to determine overload units for faculty who usually teach five courses per term.

However, the College administration has sent a memo to the AAUP stating that despite the arbitrator’s ruling in this particular case, the administration will continue to interpret the workload and overload provisions of the contract their way.

Chapter Grievance Officer John Battistone said the

grievance related to how to determine overload for a faculty member who typically teaches five 3-credit classes, but occasionally has additional non-teaching duties.

“The situation we grieved involved a faculty member who ordinarily taught a maximum 5-course load,” John said. “The faculty member was released from one course to do the equivalent workload units in program advising.”

“When she then took on a fifth class for overload, the administration claimed she was owed nothing, since her total

units for the term were less than 20, and she didn’t have more than five classes,” John said.

John continued, “Long before we had our first faculty contract, and certainly throughout the 15 years of collective bargaining, it has been well established that teaching five classes is considered maximum faculty workload.”

“Unfortunately, when our administration decided last Winter that they needed to find ways to ‘save money,’ they started interpreting the contract in brand-new ways,” John said.

**see *Overload grievance* / 2**

## SERB conducts hearing on AAUP unit assignment case

On September 24, the State Employment Relations Board (SERB) conducted a hearing concerning a request the AAUP filed 14 months ago on behalf of a faculty member who the AAUP believes was incorrectly assigned to AAUP Unit 2 instead of AAUP Unit 1.

The position of Advisor, Humanities Division, was filled in Early Fall Term 2003 and assigned to Unit 2. By contractual definition, all Unit 2 faculty positions must be those

which are created as a result of grant funding.

Grievance Officer John Battistone said, “The administration is attempting to use Perkins grant funds to partially support this Advisor position. However, according to the Perkins grant rules these funds can be used only to support those who work with technical and vocational students, and some other specifically-identified student populations.”

“The Humanities Advisors work exclusively with students seeking non-technical degrees,” John said. “Also, there is not a specific ‘pre-tech’ Advisor in Humanities.”

“Ever since the Associate of Arts and Associate of Science degrees started at Cincinnati State in 1994, Unit 1 faculty have served as the Advisors for all students seeking these degrees,” John said.

**see *SERB hearing* / 3**

## Overload grievance / continued from 1

John said the administration had agreed to AAUP's request for expedited arbitration of this grievance, meaning that a neutral arbitrator agreed on by both sides would conduct a hearing and render a decision within seven days. The arbitrator was not required to provide a detailed written explanation of the reasons for the decision.

The hearing took place on August 20 and the arbitrator's decision arrived on August 27. The decision said: "The Grievance is sustained. The Grievant shall be made whole."

On September 3, Director of Human Resources Gene Breyer sent a memorandum to the AAUP which said that the grievant in the case would receive the back pay for her overload work that had not been compensated previously.

The memorandum continued: "As the award was not accompanied by any supporting discussion or opinion, the College takes the position that the award is unique to the facts of this particular case and does not prohibit the College from

relying on the clear language of the collective Bargaining Agreement in dealing with overload issues."

Chapter President Pam Ecker said, "It's disappointing to us that the administration's response implied that they want to keep fighting about overload issues."

Pam continued, "In the administration's written pre-hearing statement to the arbitrator, Mr. Breyer said that the administration believed this grievance was not filed within contractual time limits, and should be thrown out. But they agreed to go to arbitration anyway, because they said they thought this situation was likely to recur."

"Then after the arbitrator ruled in favor of AAUP, the

administration sent us the memo indicating that they'd prefer us to keep grieving each new problem as it occurs," Pam said.

"The AAUP had hoped that this arbitration decision might allow us to begin a more collaborative approach to resolving the many workload and overload problems that started during last year's budget crisis, when the administration suddenly began to apply their new contract interpretations," Pam said.

"However, since it appears that the administration is not interested in resolving these problems amicably, the AAUP will continue to investigate and take action as warranted for the workload and overload concerns that are brought to our attention by faculty members," Pam said.

## Pre-BOT Pizza Parties begin Sep. 28

Cincinnati State AAUP plans to sponsor a pizza party prior to each regularly scheduled meeting of the College Board of Trustees. The first pizza party is Sep. 28 (see p. 4 for details).

"It's important for all College employees to be aware of the

way our Board operates," said AAUP Chapter President Pam Ecker.

"We hope that faculty members will plan to attend the pizza party each month, and stay for the Board meeting," Pam said.

## Contract Compliance Corner

*What is a grievance?*

According to the AAUP Collective Bargaining Agreements for Faculty Units 1 and 2, "A grievance is a complaint or allegation by a member of the bargaining unit or by the AAUP that there has been a violation, misinterpretation, or improper application of the provisions of this Agreement."

*I think I have a grievance—what should I do?*

If you believe that you are subject to a contract violation, contact a member of the Cincinnati State AAUP Executive

Committee or the Chapter Grievance Officer, John Battistone. If you send email or a voice message, you can expect a response within a short time. Your request for assistance will be kept confidential.

*How long should I wait before pursuing a possible grievance?*

Contact an AAUP Executive Committee member or the Grievance Officer immediately when you believe you have a grievance—even if you aren't certain if the situation is really a contract violation. The contract includes some time limits which

apply to taking action on grievances. Waiting to proceed may unnecessarily complicate your case.

*How can I help to resolve my grievance quickly and easily?*

Start by providing a clear explanation of your problem, including the facts of your case and relevant dates. Be careful to retain all emails, voicemails, memos, or other written communications which might be relevant to your case. Often, the AAUP can help resolve contract misinterpretations quickly and without needing to file a formal grievance.

# Letters



We all know the administration has been cutting away

at our support structure, and the brunt of the cuts have been landing on the employees who are members of SEIU. In Admissions, in the Registrar's Office, in Financial Aid, in the Compass lab, in Media Support, in every office and every department, all across the College, everyone is doing much more with much less.

We have fewer support staff and fewer resources—despite experiencing nearly 10% growth in enrollment! Yet the administration seems to be

asking the people who make the growth possible to take the fall for poor fiscal planning and management.

I urge everyone to show the colors—SEIU purple and AAUP red. Make it clear that we support each other. Wear a button. Wear a ribbon. Go to the Board meeting and let them see that we are serious. Thank an SEIU worker and promise that you won't do their work if they are forced to take a job action.

Cincinnati State works best when its employees work collectively.

Marcha Hunley, Humanities

## To the editor:

Our union colleagues in the SEIU need and deserve faculty support.

The SEIU contract expired on the first day of the term, and a Fact Finding hearing is set for October 18.

After negotiating in good faith with the administration, the SEIU is still faced with administration proposals that will decrease the total compensation of hard working College employees because of changes in health insurance.

## AAUP members to vote on officers

Ballots for election of Cincinnati State AAUP chapter officers will be distributed to all chapter members this week. The candidates are:

Vice President:

Joyce Rimlinger  
Clark Stull

Secretary:

Carla Gesell-Streeter  
Geoff Woolf

Member at Large:

Jason Caudill  
Ron Craig

Chapter President Pam Ecker said, "As we start into a year that will include negotiations for our sixth Collective Bargaining Agreement for AAUP Unit 1, it's good to know that we have several members who are willing to serve in important leadership roles."

"After the elections are completed, the Chapter Executive Committee will begin negotiations planning activities, including a survey of faculty concerns," Pam said.

## SERB hearing / continued from 1

"There are currently two full-time faculty Advisors in Humanities, and the only difference in their workloads is that one gets a term off and the other does not," John added.

"The administration's argument to the SERB was that since they are paying this Advisor with some Perkins funds, it must be OK," John said.

"But despite our repeated requests during the past year,

the administration has been unable to provide any document that proves that this Humanities Advisor position was created pursuant to the Perkins grant," John added.

John said that attorneys for the AAUP and the College administration have until November 8 to file post-hearing briefs for this case. The hearing judge is expected to provide a recommendation in early 2005, and then the case will go to the SERB for final resolution.

## National AAUP Leadership Seminar in Ohio on Oct. 23

The National AAUP is sponsoring a one-day Leadership Training Seminar in Columbus on Saturday, October 23. Topics include communications, negotiations, lobbying for higher education issues, and understanding college and university budgets.

"Anyone who is interested in taking a faculty leadership role in the AAUP Chapter or the Faculty Senate can benefit from this program," said Chapter President Pam Ecker.

More information is available at <http://www.aaup.org/events/index.htm> or from Pam.



"It's frustrating that it takes so long to resolve problems that require action by the SERB," John said. "We hope that when this case is finally resolved, the distinction between these two Advisor positions in Humanities will be eliminated."

# Mark your calendar!

## Early Fall AAUP events

*Tuesday, September 28*

**Pre-BOT Pizza and Conversation**

**4:15 to 5:15 p.m., Room 376**

**BOT Meeting, 5:30 p.m., Conference Center**



*Wednesday, October 13*

**AAUP Chapter Convocation**

**3:00 to 4:30 p.m., Conference Center Room 342**



*Tuesday, October 26*

**AAUP/Faculty Senate New Faculty Orientation**

**3:00 to 4:15 p.m., Room 376**

**(followed by Pre-BOT Pizza Party)**

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