Administration proposals offer no raises, eliminate “bumps,” and increase health insurance costs; admin lawyer says BOT will reject fact-finder’s report

At bargaining sessions on July 20 and 21, the administration presented their initial proposals for compensation and benefits, and the administration’s attorney said that he expects the Board of Trustees to reject the results of a fact-finder’s report because the report will probably favor Faculty positions.

Faculty Chief Negotiator Geoff Woolf said, “Now that we finally have received all of the administration’s proposals, we see that their vision of the future is exceptionally grim.”

“We already knew they want to increase faculty workload by 20 to 30 percent, but they also are proposing what amounts to a pay cut as well,” Geoff said.

“Since the administration’s attorney appears to have admitted, in front of the mediator, that the Board of Trustees is already planning to reject a fact-finder’s report, it seems that we have very serious challenges facing us in the days and weeks ahead,” Geoff said.

Faculty Team members said the administration’s attorney, James Lawrence, said that “fact-finding is a non-event” because the Board of Trustees will reject a decision that favors any faculty proposals.

Faculty Team member Joyce Rimlinger said, “Mr. Lawrence told us that he thinks a fact-finders report will favor 60 to 70 percent of the faculty proposals, and then the Board will reject the report.”

“I’m not an expert in legal matters, but Mr. Lawrence’s comments certainly make it appear that the Board has instructed their bargaining team to operate in bad faith,” Joyce added.

“Sheveral of the administration’s proposals, if implemented, would be disastrous for the future of this College,” Joyce said.

“But Mr. Lawrence’s statements seem to be saying that the administration is not going to do much to modify their proposals or change their positions in meaningful ways.”

Faculty Team member Bob Eveslage said, “The administration’s approach for the past few sessions seems to be trying to bully us into accepting proposals that are bad for the faculty and bad for the College.”

“Once in a while, Mr. Lawrence tells us the administration wants to work out a contract at the table,” Bob said.

“But the proposals they are bringing continue to attack the foundations of the contractual relationship that has been in place for nearly 25 years—with very few reasons given for these changes,” Bob added.

Geoff said, “If the administration wants to reach an agreement that serves the best interests of our students and the College community, they must stop posturing and come to the table ready to take a productive approach to bargaining.”

Administration proposals cut benefits; freeze or reduce pay

The administration’s compensation proposal has no raises for the entire three years of the agreement.
Proposals / continued from 1

The administration proposal also eliminates the 3 percent “tenure bump” and eliminates longevity raises after 8 years and after 25 years of service.

The longevity raises after 10, 15, and 20 years of service remain in the administration’s proposal.

Under the administration’s proposal, payment for overload is reduced to $400 per unit for the 2011-2012 year, and then raised to $600 per unit for the next two years—which, after adjusting for the change to a semester calendar, is less than the current overload rate.

The administration’s benefits proposal raises the employee contribution from the current 6 percent to 15 percent.

Also, the administration proposal states that if premiums for health insurance go up by more than 5 percent in a year, faculty members must pay 50 percent of the added cost, in addition to the 15 percent base cost.

(See details in chart on p. 3.)

Faculty Team member Linda Schaffeld said, “The administration’s proposals add to workload, cut benefits, and freeze or reduce pay for every faculty member.”

“The only reasons they have given are that the College faces financial challenges and needs to reduce costs,” Linda added.

Geoff said the administration team stated on July 20 that the College budget for 2011-2012 does not include funding for raises except those covered in current contracts with non-faculty bargaining units.

“If this statement is true, at best it shows poor planning, and at worst, it’s another indication that the Board is not bargaining in good faith,” Geoff said.

“If the Board decided they would not bargain for salary increases before they sent a bargaining team to the table, they are ignoring a mandatory topic of bargaining under the current law,” Geoff added.

Linda said that at the next scheduled bargaining session, on July 28, the Faculty Team plans to question Mike Geoghegan, the College’s Chief Financial Officer, about the rationale for the compensation and benefits proposals.

Fact-finder selected; hearing to be scheduled

A fact-finder has been selected by mutual agreement of Faculty and Administration representatives, and the name of the selected individual has been forwarded to the State Employment Relations Board (SERB).

The SERB provided a list of five potential fact-finders to the Faculty and Administration teams.

On July 25, Faculty Chief Negotiator Geoff Woolf and Administration Chief Negotiator James Lawrence used an alternate-striking-of-names process to determine the fact-finder whose name is being sent back to the SERB as the choice of the two parties.

After the SERB officially appoints the fact-finder, a date for a fact-finding hearing will be determined.

Geoff said, “The collective bargaining law says that fact-finders are supposed to conduct a hearing and provide a report within 14 days of when they are officially appointed, but in our past experience, most fact-finders take longer than the timelines stated in the law.”

The fact-finder’s responsibility is to listen to proposals from both sides about the contract issues that have not been resolved through bargaining.

The fact-finder then writes a report that must provide a recommended solution for each unresolved issue.

No later than seven days after receiving the report, the members of the AAUP Chapter and the members of the Board of Trustees must vote to accept or reject the fact-finder’s report.

The vote is on the entire report; the law does not permit “line item” voting on portions of the report.

To reject the fact-finder’s report requires three-fifths of the total membership (of the Chapter or of the Board). Voters must be present; no “proxy” voting is permitted.

If the report is accepted by both sides, the fact-finder’s recommendations become part of the contract.

If either side rejects the fact-finder’s report, and an agreement is not reached within seven days, the bargaining unit has the right to conduct a strike, provided that notice has been given to the SERB and the employer at least 10 days in advance.

Negotiations can continue both prior to and after a fact-finding hearing.
Faculty and Administration Proposals: Compensation and Benefits

Article 8 - Compensation

AAUP proposal (June 30)

Raises to base salary:
Year 1 - 3.5 percent / Year 2 - 3.0 percent / Year 3 - 3.0 percent

Tenure raise (3%): status quo

Longevity raises (3% after 8, 10, 15, 20, and 25 years): status quo, including “salary compression” formulas that ensure current faculty do not make less than new hires

Overload:
Status quo for Year 1 ($538/term unit)
Years 2 and 3 - $856/semester unit

New hire salaries: raised commensurate with raises to base salary

Administration proposal (July 20)

 Raises to base salary:
 Zero, for all 3 years

Tenure raise: removed

Longevity raises after 8 years and after 25 years: removed
“Salary compression” formulas: removed

Overload:
Year 1 - $400/term unit
Years 2 and 3 - $600/semester unit

New hire salaries: frozen at 2010-2011 levels

Article 11 – Benefits

AAUP proposal (June 30)

Faculty pay 6 percent of the cost of health insurance premiums (status quo) for all 3 years

Cash paybacks for those opting out of coverage maintained at current levels:
$416/family-eligible
$262/family-eligible but taking single coverage
$154/single-eligible.

Administration proposal (July 20)

Faculty pay 15 percent of the cost of health insurance premiums, for all 3 years

If premiums increase more than 5% in any year of the contract, faculty will pay 50% of the premium increase in addition to the 15% base cost.

Cash paybacks for those opting out of coverage reduced by 15%:
$354/family-eligible
$223/family-eligible but taking single coverage
$131/single-eligible.
This is a strange bargaining year for me.

It’s the first time ever that I’m not on the bargaining team. I was on every team, resulting in every contract including the current one, and I was faculty chief negotiator for 20 years.

Now, as Joe Citizen Faculty Member, I can tell you a few of my observations about this year’s round from being, for the first time, outside “the loop.”

There is nothing new under the sun.

I was hopeful about this year, since we were bargaining with a new president and some new BOT members. Faculty are always hopeful under a new administration. Hopeful that there will be an atmosphere of cooperation, and that reasonable heads will prevail.

I’ve watched the administrative bargaining approach as it emerged through 6 different College presidents, 4 different human resources directors, numerous other administrative negotiating team functionaries—and 5 different hired-gun lawyers.

I was hopeful this year. The President and Human Resources Director and the AAUP all agreed in early January that we should get an early start on bargaining this year, and efficiently wrap up a successor to our already fairly mature contract. Yay...the right approach!

But then some maniacal Ohio legislators came ridin’ into the Statehouse in the off-year election, hoopin’ and hollerin’ and writing absurd and draconian legislation, one example of which is the now-infamous Senate Bill 5, which would pretty much strip faculty of collective bargaining rights.

I asked Director of Human Resources Gene Breyer whether the administration’s approach would now be to see how this new legislation panned out before going to the table with us.

He said no, that the administration intended to go forward as planned; they were just waiting for the governor’s budget to be published, which was expected March 16.

That was good news.

March 16 came and went. The governor’s budget was known, but the teams were still not at the table, despite agreements to start early.

I occasionally asked Faculty Chief Negotiator Geoffrey Woolf when things were going to get under way. I was told that the administration’s excuse was that they were waiting for the Ohio Attorney General to appoint a lawyer to represent their team at the table.

Huh?? A lawyer? For what possible purpose? I thought that the administration had finally realized that no purpose is served by appointing a hired gunslinger to shoot it out with a bunch of teachers and counselors and librarians.

But apparently this year, the administration regressed right back to the beginning.

From the beginning of the AAUP organizing effort in 1988 to the signing of the first contract in 1990, AAUP calculated that the College paid over $250,000 to lawyers to fight us every step of the way.

Anyone who has taken Economics 101 knows about a thing called “opportunity cost,” defined as the cost of an alternative that must be forgone in order to pursue a certain action.

How much does the administration’s decision to use a lawyer for bargaining cost all of us?

These guys get paid by the hour, which means they are paid for:

• every hour they spend jawing with the administration trying to learn the first thing about the issues;
• every hour they spend thinking about proposals, every hour they spend talking at the table;
• every hour they spend in a caucus eating lunch;
• and every hour they spend waiting for the Board to see View from outside the bargaining table – John Battistone, past Faculty Chief Negotiator

The view from outside the bargaining table

The Faculty team has made reasonable proposals, with absolutely full recognition of the current economic situation that faces the College.
summon them into an Executive Session—not to mention every hour they spend writing proposals that the HR Director is perfectly capable of writing.

And their “hours” are typically billable in 15-minute segments.

Putting a hired-gun attorney at the table does not contribute to amiable and cooperative negotiations. I thought we were finished with this sort of nonsense.

One time in the past, we settled our contract negotiations efficiently, without fact-finding, without a strike notice, and without an administration hired gun at the table.

That year, we had a new President (Ron Wright) just starting his administration. He sent a highly trusted colleague (Ray Yannuzzi) to the bargaining table.

Dr. Yannuzzi was a smart guy, and an experienced negotiator with background on the faculty as well as the administrative side.

He was not strident, he was not a table pounder, but neither was he a pushover. He was reasonable. We settled on a contract that was reasonable and was something everyone could live with.

See? That’s how it works.

This year, I’m not encouraged by the reports from the table. Apparently, the administration is trying to stretch things out and roll the dice with the SB 5 November referendum.

But that vote happens after our contract has expired.

Historically, Cincinnati State faculty have always said “No contract, No work.” I think that policy should not be abandoned.

The fact is, who cares about SB 5? The administration, like the state legislature, is bargaining against their own self-interest.

The year prior to enactment of the current collective bargaining enabling legislation there were over 400 public sector strikes. After the legislation, that number dwindled to something in the mid two digits.

The AAUP bargaining unit has never had to strike.

I believe we’ve never had a strike because we’ve always been completely prepared and willing to, if necessary.

But it doesn’t matter anyway. Pending that autumn outcome, we are still governed by current Ohio law, the law under which we have ALWAYS bargained.

There is nothing new under the sun.

In close to 25 years of negotiations with a variety of Boards, Presidents and their administrations, and lawyers, here is what I’ve observed about bargaining years:

• According to the administration, the College is ALWAYS on the brink of an economic catastrophe.

• The budget has ALWAYS been cut, necessitating belt-tightening.

• The economic outlook is ALWAYS grim.

But as the administration sees it, Faculty proposals are ALWAYS greedy and self-serving, and would bust the College’s bank.

Here is the truth:

• This College is in fine economic health.

• Our enrollments have been growing for years. Despite the national economic downturn, we are not in danger of foundering. And our investment in three quarters of a million dollars worth of marketing for the coming year is supposed to guarantee that enrollments at least stay at current levels.

• New administrative positions—including some in the six-figure salary range—are being created regularly.

• Not only can faculty feel secure in their jobs, the College will be needing more faculty members, not fewer.

I suggest this: Be Ye Not Afraid! Ever was it thus.

Our Faculty leaders have made reasonable proposals and have made them with absolutely full recognition of current economic situation that faces the College.

It’s time to stop letting this administration bully us. It’s getting pretty late for folks who swore they wanted to finish early.

AAUP should continue negotiating, of course—to the extent that the administration is willing to negotiate, rather than to stall and to threaten faculty with proposals that destroy an effective working relationship.

see View from outside the table / 6
And AAUP should continue preparing for fact-finding, and all faculty should get ready to do what we almost always have to do:

• Present our case to a fact finder.
• Review the fact finder’s report.
• If it is good, accept it.
• If it is bad, reject it, and then serve Notice to Strike (or if the Board rejects a good settlement, then file the notice to strike).
• Prepare in earnest for that possibility.

Then and only then will the administration come to its senses.

The AAUP bargaining unit has never had to strike. I believe we’ve never had a strike because we’ve always been completely prepared and willing to, if necessary.

We have come down to the wire on several occasions, making Labor Day less than festive, but we have always managed to settle.

This lawyer does not know our faculty and its resolve.

This President is new, and some of our Board members are new to negotiations with the Faculty Bargaining Unit 1.

Our Human Resources Director does, though, know about our bargaining history.

He knows that our faculty have always been unified, cohesive, organized, and prepared to work in solidarity to advance a contract that maintains the best interests of our students.

Presidents and Board members come and go. This College belongs to the students and the faculty.

Through solidarity and unity we can craft a good, reasonable successor contract, despite the political landscape, just as we have ALWAYS done.

If it takes jumping through all of the hoops, then it’s really too bad. The hope I had for this new administration will be dashed, but we’ll continue to succeed under a new contract, until the next president arrives.