

# NEWS

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## Bargaining at impasse: all Faculty proposals on the table but Administration refuses to discuss compensation and benefits

At the bargaining session on June 30, the Faculty Team put all remaining proposals on the table, including workload, compensation, and benefits.

According to the Faculty Team, the Administration team said they do not intend to discuss compensation and benefits until all other contract issues have been resolved.

The AAUP has requested that the State Employment Relations Board (SERB) appoint a mediator and also provide a list of names of possible fact-finders. (See related story on p. 5.)

A state-appointed fact-finder will hold a formal hearing where both sides present their proposals for unresolved issues.

The fact-finder then decides how to resolve these issues and writes a report with his recommended solutions.

Both sides (the AAUP Chapter members and the College Board of Trustees) then vote on

whether to accept or reject the fact-finder's recommendations.

Faculty Chief Negotiator Geoff Woolf said that at the June 30 session, the teams discussed names of potential mediators.

"A mediator's role is to meet with both teams and try to help the sides take steps toward resolving their differences,

before a fact-finding hearing takes place," Geoff said.

"However, when one side is not even willing to put all of its proposals on the table, it's unlikely that a mediator can help us make meaningful progress," Geoff said.

Faculty Team member Pam Ecker added, "For the issues that **see *Impasse* / 2**

## The view from the bargaining table

-- Geoff Woolf, AAUP Chief Negotiator

Today, we're giving you side-by-side comparisons of the proposals made by the AAUP and the administration.

I'd like to share the rationale behind our proposals and our overall approach to bargaining this contract.

In past years, we've had some acrimonious bargaining that stretched out over many months.

This year, the AAUP Executive

Committee and the Faculty Bargaining Team hoped that we could take steps to avoid problems of the past, and get off to a more auspicious start with our new College President.

Cognizant of the fact that changing to semesters brings stressful and busy times to the entire College, the Faculty team produced proposals that would provide the smoothest possible transition.

**see *View from the table* / 4**

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**Attached to this newsletter:**

**Side-by-side comparison of Faculty and Administration proposals**

## **Impasse / continued from 1**

are unresolved, the proposals from the two sides are further apart this year than at any other time in the history of our faculty union."

"Even when we negotiated our first contract back in 1989, the proposals weren't as far apart as they are right now," Pam added.

AAUP Chapter President Paul Davis said, "It's discouraging to see these proposals coming to us, especially since for the past few weeks each new proposal is a little worse than the last one."

"This 'attack-the-faculty' attitude that we're seeing in the administration's proposals is not at all what we thought would be happening under Dr. Owens' leadership," Paul added.

Because of vacation schedules that affect both teams, no additional bargaining sessions are planned until July 20. A mediator might be in attendance at that session.

### **Administration proposal makes unprecedented changes to workload**

The Administration's workload proposal significantly increases workload for non-instructional faculty members in academic year 2011-2012 (the final year on the five-term calendar), and then increases the load for all faculty even more when semesters begin.

Faculty Team Member Bob Eveslage said, "The

administration's workload proposal rolls back the clock about three decades, and then some. The loads they are proposing as the standard are more than any faculty member had when I started at the College 32 years ago, before we had an AAUP contract."

If implemented, the administration's proposals would put Cincinnati State

## **The administration's workload proposal:**

## **Cincinnati State faculty loads should be 30 percent (or more) above the average for Ohio community colleges on semesters.**

faculty workloads at least 30 percent above the average for Ohio community colleges on a semester calendar.

Bob also said that the changes proposed for Health and Public Safety faculty who provide clinical and directed practice instruction would increase those faculty loads by even larger percentages.

According to the Faculty Team, the only reason given by the administration for their workload proposals was "financial challenges and other constraints that the College is facing."

Under the administration's proposal, all instructional faculty would deliver 43 instructional units a year on semesters, while working 180 days.

The administration proposal does not guarantee a semester off but says faculty would have "time off."

The administration proposal for non-instructional faculty members, including co-op coordinators, counselors, advisors, and librarians, is a 220-day work schedule which would go into effect in the 2011-12 academic year (the final year on terms).

Additionally, the administration's proposal states that co-op coordinators who place fewer than 35 students in a term during 2011-2012 would be required to teach courses for no additional compensation.

When semesters start, co-op coordinators would be required to teach with no extra compensation if they place fewer than 45 students.

The Faculty workload proposal defines the work year as 162 days, and faculty instructional load is defined as 30 instructional units delivered over two semesters, which is consistent with faculty loads and schedules at other two-year colleges.

**see Impasse / 3**

## ***Impasse / continued from 2***

The Cincinnati State calendar for semesters, which has been approved by the College Board of Trustees, divides the years into three 15-week semesters, with 73 teaching days per semester.

For instructional faculty, work days would include days used for grading, preparation, and “in service” days such as the annual convocation.

### **Additional impasse topics include governance, hiring, and distance learning**

As reported in the *AAUP Newsletter* on June 17, the Administration’s proposals for Article 6, “Faculty Involvement in the Governance of the College” and Article 7 “Selection and Appointment Procedures” substantially reduce the faculty role in College-wide decision-making and nearly eradicate the faculty role in selection of new faculty and academic administrators.

The administration’s governance proposal removes the contract language that guarantees a faculty majority on committee and teams that deal with academic matters

The administration proposal also deletes the language that guarantees faculty one-third of the membership of non-academic committees and teams.

Instead, the administration’s proposal says faculty will have “representation” in decision-making groups.

Faculty Team members said the administration cited the need for “more efficiency” as their reason for changing the contract language.

Faculty Team members

said the administration team also referred to the need for “streamlining” and “more efficiency” as the reasons for their proposed changes to the selection and hiring contract language.

The administration’s hiring proposal requires all faculty hiring processes, including all interviewing, to be completed within 30 days of when the position is approved.

The administration’s proposal states that if faculty hiring processes are not completed within the desired timeline, the Dean could essentially take over all steps in the process, with no requirement for input or agreement from faculty representatives.

Faculty Team member Linda Schaffeld said, “Under the administration’s proposed hiring language, the Dean would be able to push through a recommendation for whoever they wanted, even if the screening committee members did not agree with this recommendation.”

The administration’s proposal also eliminates faculty participation in the hiring of academic administrators, with the exception of hiring an academic Dean or the College President.

For those hires, faculty would have “representation” on the committee, rather than the specific number of committee members guaranteed by the current contract language.

Faculty Team member Joyce Rimlinger said, “The administration’s hiring proposals seem to blame any delay in hiring processes on the faculty—and as any faculty

member who has ever served on a screening committee can tell you, that’s simply not true.”

“We certainly agree that improvements can be made in our selection and hiring processes,” Joyce added.

“But removing the faculty from the process is not the way to make improvements that will ensure we continue to hire the best available candidates to work with our students.”

For the contract provisions on distance learning (Article 10, “Electronically Purveyed Methods of Instruction,”), the administration proposed to delete the entire article.

The Faculty proposal primarily retains the current contract language, with a few added clarifications.

According to the Faculty Team, the administration team said the article is no longer needed because preparing and delivering distance classes is “not extra work; it’s simply part of how we do our business.”

Geoff said, “It’s clear from the administration’s proposal that they don’t understand what it takes to develop and deliver an excellent distance learning experience.”

“Also, their desire to get rid of a contract article that guarantees faculty ownership of the distance learning materials we develop certainly raises some questions about whether the administration respects faculty intellectual property rights,” Geoff added.

## ***View from the table / continued from 1***

We've gone out of our way to make the overwhelming majority of our proposals "status quo."

In fact, our proposal for the first year of a new three-year contract is just that: a status quo continuation of the last year of the current contract.

With regard to years two and three of a new contract, we've attempted to create proposals that have Cincinnati State's faculty working under conditions nearly identical to the other two-year, semester institutions in the state.

In compensation and benefits, the Faculty Team has made some of the most modest proposals in our history as a bargaining unit, and we have been careful not to propose more than we believe the College can afford.

In general, the Faculty proposals you see before you contain no "fat" at all. Our package of proposals has no outrageous demands or trading "chips."

Our proposed contract contains virtually nothing to which the College has not already agreed in one form or another during our long past history of negotiations.

And there's not a lot of reason to think our contract needed a lot of major changes this year.

Our contract is a mature contract, and it's a good contract.

Experts in negotiations (including the experts on the administration's team) know that one of the important measures of whether a contract is working well is the number

of grievances that need to be handled in the life of a contract.

In the nearly three-year life of our current contract, the number of grievances filed is zero. In the three years prior, as far as I can recall, the number of grievances filed was one.

I'm not saying that the past six years had no contractual conflicts, but I can say that when disputes arise, the AAUP and the administration find ways

## **The Faculty have been careful not to propose more than we believe the College can afford.**

to satisfy the parties' interests under the contract, without resorting to the grievance process.

That's a strong sign of a contract that is working.

The package of proposals offered by the AAUP team was designed to reach a swift and equitable settlement that would allow us all to get back to our jobs of serving our community and our students.

The package of proposals was designed to recognize that if we want to maintain the standards of excellence in instruction for which Dr. Owens has repeatedly lauded us in his public appearances, it is vital that we not expend precious energy and resources on bickering and posturing.

I wish I could explain what the administration has in mind as a rationale for many of their proposals. But I can't.

They have used words like "efficiency," and "financial challenges," but they have not explained why those words cause them to want to erase close to 25 years of working contractual history.

And at this point, they won't talk to us at all about compensation or benefits.

So while we've put our entire proposal on the table, the administration is taking increasingly extreme positions in the articles they have presented, while holding out on what they believe are the most important issues.

No amount of explaining can convince them that compensation and benefits are not the only "most important" issues to members of our faculty.

Workload is also "most important." Meaningful participation in decision-making is also "most important."

When Dr. Owens arrived at the College, he was clear in his message that the future of the Cincinnati State family should not be determined by outsiders who don't understand our tradition of excellence and our unique contributions to the larger community.

But at this point, the President's bargaining team leaves us few options other than fact-finding, where an outsider is empowered to make all the important decisions on all of the "most important" topics.

Unfortunately, going to fact-finding might be the only way we'll ever get to see the rest of the administration's proposals.

# Background: steps & timeline for collective bargaining

The current contract negotiations are taking place under the provisions of Ohio Revised Code 4117 and Ohio Administrative Code 4117, the “collective bargaining law” that has been in effect for many years.

The intent of the law is to ensure that unions (like Cincinnati State AAUP) and employers (like the Cincinnati State Board of Trustees) reach negotiated agreements and establish contracts.

The law contains specific provisions that establish a timeline for bringing negotiations to a conclusion.

- When a contract is already in effect, **negotiations** for a new contract must begin no later than 60 working days before the current contract expires.

This legal provision has already been met. The Faculty Unit 1 contract expires at midnight on September 5, 2011. Negotiations began May 16, when the bargaining teams met to discuss groundrules.

- To assist the sides in reaching an agreement, the law requires that a neutral **mediator** be appointed by the State Employment Relations Board (SERB). Either side may request a mediator.

The AAUP requested on June 27 that SERB appoint a mediator, and the bargaining sessions have included discussion of possible mediators who might be available to attend future sessions.

- As the next step in helping the sides reach agreement, the law states that a **fact-finder** is to be appointed when the parties are at an **impasse** in negotiations. The two sides receive from the SERB a list of

five possible fact-finders, and use an alternating strike-off process to select a fact-finder who is acceptable to both sides. Fact-finders generally are individuals with education and experience in the law and collective bargaining.

AAUP’s letter to SERB on June 27 asked for appointment of a mediator, and also asked that a list of possible fact-finders be provided.

- The law states that the fact-finder will conduct a hearing and submit a written report within 14 days of being appointed. However, in past AAUP negotiations, this timeline has not always been followed by the appointed fact-finders.

The parties may continue to hold negotiation sessions during the time periods before or after the fact-finding hearing is conducted.

- At the **fact-finding hearing**, the law requires both sides to submit to the fact-finder written contract proposals for all issues that are unresolved. A fact-finder may also try to mediate some of the unresolved issues prior to conducting a formal hearing.

- In his/her **fact-finding report**, the fact-finder may recommend resolving an issue by using the proposal submitted by one of the sides, or the fact-finder may recommend his/her own approach to resolving an issue. The fact-finder must recommend a resolution for every unresolved issue that was presented at the hearing.

- No later than seven days after receiving the fact-finder’s report on recommendations for resolving the contract, both sides must **vote to accept**

**or reject the fact-finder’s recommendations.** The report must be accepted or rejected as a whole; “line item” voting on individual recommendations is not allowed.

- To reject the fact-finder’s proposed settlement, **three-fifths** of the total membership of the Cincinnati State AAUP chapter (or three-fifths of the members of the Cincinnati State Board of Trustees) **would have to vote “no.”** Voting by proxy is not permitted.

- If neither side rejects the fact-finder’s report by the required three-fifths vote, then the fact-finder’s recommendations become part of the contract. The sides may, through mutual agreement, modify and then accept the fact-finder’s recommendations.

- If either side rejects the fact-finder’s recommendations, the SERB makes the report public. Negotiations could continue if the parties wanted to.

- If either side rejects the recommendations, and the parties do not reach an agreement within seven days after the fact-finder’s report has been made public, then the bargaining unit has the **legal right to strike** (and the employer has the right to conduct a lockout).

- The law requires that notification of intent to strike must be given to the SERB and to the employer at least 10 days in advance. Of course, negotiations could continue prior to or during a strike.

# **AAUP Chapter Meeting**

## **Thursday, July 7**

### **1 p.m.**

## **ATLC Auditorium**

## **Update on negotiations**

## **Open to all full-time faculty members**

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