

Bargaining Session 9 – 9:00 AM
5/11/09

Administration in Attendance: Cathy Cobb, Beverly Slaughter, Darla Ferguson (alternate), Ethel Newman, Marian Shelpman, Chief negotiator: Mark Levitt, Ona Kim

Faculty in attendance: Kerry Markey, Norma Rudmik, Holly Kahler, Laura Earle, Lynn Spencer, Chief Negotiator Michael Moats, Judi Schatte (alternate)

Article 11

Michael – all the changes that were previously discussed have been changed. Would like to clean it up further if needed prior to TA. References to Board, chief learning officer, 3 year and 6 year option reference as identified in Article 10, etc.

Mark – rank?

Michael – clarified “faculty service” as “full time faculty experience.”

Beverly – in Faculty rank – why 22 and 17 under professor? Must have been changed. Now wonder why 18 rather than 15?

Michael – Master’s plus 30 is longer than the Doctorate with 15. Rather than making them 20 and 25, made it something that was able to be accomplished within a career.

Mark – does this change anyone’s rank?

Michael – yes, so when we start discussing implementation, we will discuss.

Beverly – there is a grid

Linda – our grid is not as stringent as this grid is

Judi – yes. If you meet the criterion you submit and get it.

Mark – application for tenure – Article 21 tenure application is submitted to committee

Michael – yes. Application submitted to the committee whether have met all requirements and gotten recommendation, tenure, professional development and rank, make recommendation to the administration. Can’t have faculty governance if you don’t participate.

Holly – faculty will get credit for participation on committee.

Mark – rank with service at the college here rather than at another institution

Michael – item B allows them to bring their experience at another place with them at a reduced rate (maximum that you can bring with you is 5 years). Didn't want someone coming from another institution being able to come in with most of their service from another institution and not being able to evaluate them. If they come in with 5 years, and get 3 years here, get tenure.

Mark – concern is that some professor from another institution who would like to come for a few years (Professor Emeritus) who has written 35 books, etc. This person with these rules would be bought in as an instructor, not as a professor.

Michael – at any state university have the same situation and they have a 6 year minimum for Associate Professor. To get around that, can have administrative duties with full professorship and tenure. They end up having problems with that. Many schools throughout the state have dealt with that, so they are going back to strict tenure rules. Ability to evaluate by both faculty and administration is important.

Mark – always have the endowed chairs (Professor Emeritus/visiting professor) for a short time with an honorary title.

Michael – have you ever had endowed chairs?

Cathy – that is from within, but, yes, they have. Process that they apply for and review and are allowed to pursue a special project over the next two years.

Michael – then the situation would probably not occur (they'd be applying at UCF instead).

Mark – what about some language that would permit us under special circumstances that will allow them to come and be granted an honorary rank?

Michael – under B we might be able to plug it in. We could create an opportunity that the subcommittee could review special circumstances to have a recommendation made by the subcommittee to the president.

Mark – on B prior service increase to 10 years prior service could give 5 years of credit to tenure. 11.2D – 2 evaluations in 5 years, I know we discussed that.

Michael – current language in evaluation allows someone to request an evaluation prior to May 1st. If they had a less than satisfactory evaluation, they can request an additional evaluation, so they can end up with the best 2/3 evaluation.

Mark – if in the past you had 5 bad evaluations and this one was good, should only the good ones be considered?

Caucus 10:05 AM Resume 10:50 AM

Mark – exception on special consideration of “no more than one per year”, don’t think we need that qualifier. Same process for provost or committee. Take that out.

Michael – why do you want more than one?

Mark – what if you have a few great candidates? How about 1 1/2?

Michael – special consideration for no more than one per year.

Mark – you already have the approval process, so there shouldn’t be any limitations.

Michael – I don’t think that the approval process merits not setting a limit because if the President is asking for an exception even in the face of the committee, the committee would feel a bit of pressure to approve.

Mark – would still like no limit on numbers.

Michael – if we find that one is a problem, it could be readdressed next year and we would take a look at it.

Norma – this is to try to avoid something like “package deals” for husband and wife situations.

Mark – hesitates to sign off with a limit.

Michael – we would have no problem considering two if it wasn’t a husband and wife deal. This happens a lot. Case in Miami.

Mark – lets make it not more than 2.

Michael – if we make it one, then we will have some wiggle room.

Mark – not more than one but option of presenting more than one under mutual agreement.

Michael – college President may request special consideration of rank for one candidate per year, or more under mutual agreement.

Mark – asked how many people is the new ranking system going to affect?

Holly – I have made professor and would have to have nother 4 years to attain the rank?

Michael – grandfather clause (faculty employed at such and such a date will have previous rank instated).

Mark – all comes down to money.

Michael – it is not our intention that anyone is expecting to drop back to the lowest rank that she is qualified for compensation.

Mark – compensation is detailed in Article 14. All of this comes down to money. If someone moves up, they would have to get the increase. Article 11 can be TA'd.

Article 16 – Grievance

Mark – We will talk up to 11.3. We have looked at the discipline section but will need more time with it. 11.1.1 – a grievance should be a violation of the collective bargaining agreement ...which has been incorporated into the collective bargaining agreement. 11.1.2 needs the same wording added. We are trying to provide for class action grievance. Each person needs to file their own grievance. So in 11.1.2 should be an individual or union grievance, not a group grievance. Union grievances are OK.

Michael – could affect a “class” of members rather than a group.

Mark – have union grievance where it affects the union, not a “group”. You do not need 11.1.2 at all.

Michael – I think we do need 11.1.2

Mark – then should read a member or the union not the group. 11.1.3 – Representative cannot file a grievance. Should be filed by the grievant, not the union unless it is a union grievance. If someone is going to be a grievant, they should be on the grievance.

Michael – the union is allowed to file a grievance for the unit member. We are not talking about the signature on the form, but the person who is representing the grievance. Will be through the union representative, not the grievant. The form requires the signature of the grievant. Because of electronic availability, could be either from email or on actual form. This will avoid having things tied up for too long.

Mark – 11.1.3b – attorney –

Michael - we don't like them in the situation, but they are the right of the faculty in cases of termination, etc.

Mark – we don't need to identify the representative, take out that language. We don't need attorneys filing grievances. 11.1A – this section means they don't have to sign the grievance. Take out the “or who provide written authorization...” Time frames. Some have been made longer.

Michael – the only thing we made longer was 5 business days that were changed to 10 days. 5 days means that we only have 5 days to respond rather than 10.

Mark – have 21 business days so that they could take 3 months to respond. Would like to see 10 days to respond.

Michael – 30 days is common throughout the state. 30 calendar days would be OK. Can't do shorter than that. Here may take 30 days to figure out that there is a problem in the first place.

Mark – I want 14 days.

Michael – when you have faculty spread out over 4 campuses and lots of distance can end up with problem figuring out if there is a problem and then figure out whether it's grievable. We can grieve everything and then try to sort it out, but that would increase the number of grievances filed and tie the system up for a long time.

Mark – again, have the issue of group or class. May need to define class action for union as a whole. Better language is needed. People need to file individually. If 3 people are denied tuition or something, needs to be 3 grievances.

Michael – unless there is some commonality to a situation, then individuals should be grieved separately. If it's something that affects all nursing faculty or English faculty and no one else, then that should be class action.

Mark – trying to avoid class action being thrown out. Should be individual grievances. 11.1.D – within 24 hours of a grievance being filed, the union must be notified.

Michael – this is only for someone who files a grievance on their own without union involvement.

Mark – that needs to be slightly longer. How about will notify the union as soon as reasonably possible after filing.

Michael – who is defining “reasonable”?

Mark – how about before any meeting?

Michael – how about 2 business days? That can be 4 actual days.

Mark – Grievance process should be off duty or with the approval of the supervisor.

Michael – no we didn't.

Mark – why is section 5 struck? Why shouldn't there be divulged information?

Michael – no subpoena power. Can't demand that the employee give information against another member give testimony.

Mark – can't make a decision based on incomplete information.

Michael – if you have a criminal action, that would be fought in court.

Mark – for sexual misconduct rules and such?

Michael – the school does not have subpoena power. Real problem with coercion of employees to give information that wouldn't even be appropriate in court to the college.

Mark – the college reserves the right to obtain all relevant information
Section 6 – why can't the grievance procedure cannot be used to dispute a decision...

Michael – it's more clearly stated in another section that we have signed off on in Article 11. .E to grieve process and procedure but not award of tenure.

Mark – 16.1.E change “the Board” to “the College”

16.1.F – “appropriate Dean, Campus Provost or Associate Provost”.

What would it mean “against the supervisor”? Wouldn't you go to the supervisor first even if it's against the supervisor?

Michael – I can't tell you why the current language is what it is.

Mark – they may make a decision, but by bringing it forward there may be substantive change, then go to HR as step 1. As step 2...

Michael – waste of time to go to the immediate supervisor who had a grievance filed against them, then get resolved if first go to HR.

Mark – let's talk about the whole process. Step 1 write to the supervisor, step 2 go to the Dean or Provost or HR, step 3 goes to the President. Levels of supervision? Step 1 goes to the Dean/Provost, then HR or Vice President. That would make it even more important to bring it to the 1st level 1st, then to higher levels. Don't bypass the first level because that brings you right to the president. Is the 2nd level going to overrule the provost? Not likely. They will not get involved at that level.

Michael – step 1 is an informal meeting with the level one supervisor. Step 2 would be vice president or president.

Mark – provost/dean/associate provost level should be in writing. So for initial reporting, should be in writing – formal.

Michael – take out step 2, so go straight from provost level to the President.

Mark – that should help with the 21 days. The only question is when you have an associate provost, then go to the provost, then to the President? Does the Associate Provost have the authority to make those decisions?

Ethel – Health Sciences, Public Safety, Nursing – should have an extra step in the application for grievance.

Norma – same thing for library – Provost to Astrab to the President.

Michael – what percentage has no second line review? The Institutes Associate Provost should have final say. That's 60+ faculty out of 210 full time faculty with 2 reporting levels prior to the President.

Mark – then for the Institutes and the library, should have 3 steps, everyone else should start at step 2.

Arbitration – 11.2 – should have 7 names on the committee. On discipline, we have talked a bit. You have put in a lot of the statutory stuff that may not be needed.

Terminated for cause in requirements of law is probably all that is needed.

Judi – administration wanted language and guidelines for discipline and that is why it is included.

Michael – there are things that need to be discussed prior to drafting language.

Evaluation and Professional development for next meeting, so we will have Faculty Working Conditions, Leave and Health and Welfare Benefits on the agenda. This will be driven by statute and current law.

Mark – we can look at it and have a better chance of looking at it prior to next meeting.

Michael – would prefer Faculty Working Conditions (what they do, workload, how they do it) should be discussed prior to putting on paper. Would rather it be worked on collectively rather than back and forth. Ultimately, statute defines workload, what is at stake is how we can apply it here with workload of different faculty. Apples and oranges need to be equated and properly assessed. Salaries in current language are very tough to calculate.

Mark – Article 9 and 10 plus 11 should take us through the next meeting on May 26th, then we can discuss the other stuff.