

## MASTER CONTRACT NEGOTIATIONS UPDATE

By Richard Katz— KFT Council Delegate and Voice Editor

The CWA, has reached a tentative settlement with the state. As in the past, the AFT statewide bargaining agent, the Council of NJ State College Locals, negotiates last and will meet with the state for their second negotiating session on March 8 with additional sessions slated for later in March.

The tentative salary settlement with the CWA is for increases over four years of 3%, 3% 3.5% and 3.5%, totaling 13%, which, with compounding from year to year, is a 13.64 % increase over the life of the contract for those senior members at the top (12<sup>th</sup>) step of their ranges. Cost of living increments remain for junior members, those not at the 12<sup>th</sup> step. Thus, depending on the current step within a salary range, the total salary increase may be as high as 35%.

KFT Contract Negotiation team:  
Linda Bradbury, Jon Erickson, Richard Katz, Eleanor McKnight, and Maria del Carmen Rodriguez

The proposed 1.5% annual salary deduction for healthcare would reduce the total salary increase by 1.7% over the life of the contract for those at the top 12 step from 13.64 % to 11.94 %. In other words, the initial effect of the 1.5% annual salary deduction is to cut the first year 3% in half. The effect in the subsequent years is minimal.

For example, for someone at the top step currently earning a hypothetical \$100,000, the initial 3% raise to 103,000 would be cut by \$1545 for healthcare; in the second year, when salaries again rise by 3% to \$106,090 the 1.5% healthcare deduction would come to \$1591, a \$46 increase; in the third year with a 3.5% salary increase that salary rises to \$109,803 with a 1.5% healthcare deduction of \$1647, a \$56 increase. In the final year of the contract the 3.5% increase brings the salary to \$113,646 with the annual healthcare deduction at \$1704, a \$57 increase.

The proposed elimination of the NJ Plus and traditional healthcare plans in

favor of “nationwide” PPO and HMO plans, would affect the healthcare of our members the most. The state has not identified the provider of those plans, although they have proposed what the specifics of those plans will provide. The specifics look very similar to NJ Plus, however, the AFT is wary of settling a contract wherein we don’t know for certain what we’ve agreed.

As in the past, the AFT will seek to improve on the terms of the contract offered the larger state employee unions.

The initial proposals of the Council and the State are available at the Council website, cnjscl.org.

The state negotiating team is headed by Yvonne Catley, of the Office of Employee relations with representatives of most of the administrations of the state colleges. As has been the case historically, the Kean University administration has not been represented at the negotiating table. ♦

## FOR YOUR INFORMATION: Grievances - A Settlement - Arbitration Considered



By James A. Castiglione, Sherrell Holderman and Mary Wuethrich—KFT Grievance Officers

### Summer Teaching Cap Settled:

The grievance regarding the university’s unilateral implementation of a summer teaching cap from summer 2005 was settled in the fall semester with several faculty receiving reimbursements for lost teaching income. It is indicative of the difficult labor-management relations at Kean that these settlement talks dragged out this long. The KFT Grievance Committee is committed to defending our members’ rights no matter the obstacles placed in the way.

### Untenured Faculty Grievance:

The KFT has filed a grievance on behalf of an untenured faculty member who was denied reappointment for the 2007-8 academic year. At the Step-1 Hearing held recently, the KFT brought forward substantial evidence showing the faculty member has a significant level of achievement across the criteria, thereby meeting the threshold for reappointment, especially as laid out in President Farahi’s previous letters of reappointment. The faculty member is also exploring remedy options under civil venues.

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## KFT President's Message

María del Carmen Rodríguez

### **FOR THE BETTERMENT OF ALL**

The most productive sectors of the US economy are: (1) agriculture, mining, forestry; (2) manufacturing; (3) services/commerce, and (4) processing/transmission of information. Of these, the one sector with the highest level of generated profits is services/commerce. In 1998, this sector produced 72% of the nation's gross domestic product. One of these essential services is education. There are many gains when we have educated citizens who master literacy skills leading to reduced unemployment, poverty and crime. An educated workforce is critical to this economy.

The KFT like any other union represents members in their economic interests. Unions provide workers with a stronger voice in how work is done and how workers are treated in the workplace. Ideally, when unions intervene, workers are treated with the full human dignity that they embody. In the best management practices workers' input, suggestions and recommendations are considered in how to adjust production methods. For the most part, professionals and all workers tend to present ideas for job improvements to union representatives more readily than to managers. Workers in educational and other professional settings do this because they are confident that the changes that need to take place to keep the system vibrant, viable and updated can be implemented without reducing jobs, wages or other basic benefits.

Now let's look at some statistics about labor relations at this university. I solicited a report on the number of grievances and any other legal actions filed by the KFT since the summer of 2003 to the present time. From the summer of 2003 to the beginning of 2005, there were 21 grievances filed by the union and 1 unfair labor practice. Many of these grievances were filed and a few not pursued to completion. From February of 2005, when I became KFT President, to the present, there were a total of 12 grievances and 3 ULPs (unfair labor practice) charges. Of these, 12 arbitrations were followed through to completion. These data reflect a very telling trend. Despite fewer grievances filed in the past two years and the consistent and organized attempts made by the current union leadership to discuss matters involving our terms and working conditions with the university administration at the local level, the Administration does not seem interested in finding a common ground.

Due to the apparent lack of interest this Administration has in finding common solutions to the grievance issues and bargaining topics that we both address, the KFT has been forced to appeal to the appropriate external state departments that supervise employers/employees relationships to bring relief to the many issues of concern posed by our members. The questions we need to ask ourselves are the following. Are the management practices prevalent at Kean University most appropriate to higher education? Do these practices demonstrate the essential qualities of flexibility and collaboration? Are the management styles prevalent at this public state institution compatible with the democratic traditions? I let you be the judge.

I ask all members of the union to communicate their views and recommendations (both favorable and critical) to our executive council. A sample of your comments and helpful information will be included in future issues of *The KFT Voice*. Become involved in the many events sponsored by the local. Your collaboration is essential to our continued success.

I leave you with a powerful union ideal:

"To protect workers in their inalienable rights to a higher and better life; to protect them, not only as equals before the law, but also in their liberties as workers, and as citizens, to overcome and conquer prejudices and antagonism [is] the glorious mission of unions."

(Samuel Gompers, US labor leader, 1850-1924)



### **LOCAL NEGOTIATION REPORT**

By Charlie Kelly, KFT Negotiation Chair

Recently, I drafted a report on our suspended local negotiations (check your e-mail from the KFT dated 1/31/07.) In that report I spoke about the administration's announced intention to evaluate all courses and department chairs as well as required faculty to provide the Administration with an annual professional development report.

Since the announcement, the KFT has been asked many questions regarding why, how and when. Unfortunately, we can not answer many of those questions, authoritatively. We do not have a written proposal from the administration to negotiate. The only information provided to us by the Administration spokesmen at our last negotiation session was a 'by the way' statement; "we plan to evaluate all courses..." as we were ending a fruitless discussion about signing letters of agreement previously agreed to orally.

The KFT has the right to negotiate the how and the when of evaluation. The academic implications of evaluating all courses and the potential implications for grade inflations and other potential adverse affects are matters for the Faculty Senate to address.

The KFT has the right and obligation to negotiate fair and equitable procedures for evaluation. The KFT can not force the Administration through negotiations to come to the table and bargain in good faith. In order to hold the administration accountable to its legal obligation to bargain, the KFT must file an unfair labor practice charge. Currently we have an unfair labor practice charge regarding the overload cap that is awaiting a Public Employment Relations Commission (PERC) ruling.

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**For Your Information: Grievances - A Settlement - Arbitration Considered**

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**Arbitration approved for two more grievances:**

The State Council Grievance Committee met in the fall to review the statewide collection of grievances that were being considered for arbitration. This occurs when the local administration refuses to engage in a settlement dialogue, such dialogue being the preferred approach of the KFT. As usual the docket was dominated by grievances from Kean University, both full-time and adjunct units.

Our colleagues from our sister institutions who sit on this Committee were shocked to hear about the unprofessional treatment accorded to our members regarding the denial of sabbaticals and the hiring-then-firing of faculty in one-year appointments last spring. As it was some of our top first-year faculty that were denied reappointment, and as it was some of Kean's most honored and prolific scholars who were denied sabbaticals, the Committee voted unanimously to send both grievances forward to arbitration.

**KFT Rep to Promotion Committee denied rights:**

The KFT has filed a grievance on behalf of the KFT representative to the University Promotion Committee who was blocked from performing her duties on numerous occasions. The KFT rep was denied the right to speak at Committee meetings and the right to review the files of the candidates. Though the KFT rep does not vote, these rights are critical to the proper functioning of the representative whose duty it is to ensure that procedures and policies are adhered to, that all candidates are being treated fairly and equitably in accordance with contractual stipulations and that the integrity of the process is maintained. In the past, by reviewing files the KFT rep has been able to identify documentation and other procedural problems and get them corrected in advance of the Committee's final deliberations, saving several applicants' files from being ruled ineligible. Some violations that the rep was prevented from identifying include:

- ◆ Numerous violations of Roberts Rules of Order, which govern Committee meetings
- ◆ Improper attempts to bar one member from participating on the Committee

- ◆ Lack of written agendas
- ◆ Denial of speaking rights to several Committee members including student members
- ◆ Committee's organizing meeting held before vacancies could be filled and without timely notice to all members including no notice to the outgoing or incoming KFT representatives, all direct violations of written Senate and Committee procedures


**Promotion Grievance Approaches:**

Policies and procedures governing the functioning of bodies such as the University Promotion Committee exist to ensure equity and fairness in the treatment of all applicants. Faculty who applied for promotion this year are rightly concerned that the multiple violations of the UPC's existing policies and procedures is an inherent violation of equity and fairness.

Faculty are pursuing various options in addressing these problems. Some faculty have filed a 14-day letter as a prelude to a possible grievance. Others have pursued their rights through appeals and/or meetings with the President.

The KFT has had legal counsel on retainer for some time now for the purposes of defending our members' legal rights when attacked. To ensure that we were on sound legal footing, we consulted our counsel regarding the above cited violations and used that advice in crafting a template of a 14-day letter for the use of all members who applied for promotion. Notice of this was sent out via email in mid January to the membership. As usual, it is the choice of the individual member on how to proceed, but it is the KFT's duty to provide all members with sound legal advice.



<p><b>COMING SOON!</b></p> <p>A COLUMN FOR OUR MEMBERS WHICH WILL FEATURE</p> <p>VARIOUS TYPES OF HELPFUL, USEFUL, INTERESTING INFORMATION AND COMMENTS</p>	
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## LEGISLATIVE UPDATE

By Jon Erickson, KFT Political Action Chair and State Council Legislative Representative

### The Governor's Budget

Governor Jon Corzine gave his annual budget message on February 22. In his budget for next fiscal year will be an additional \$61 million for higher education (\$50 million is new money and \$11 is for salary transfers). This increase is certainly welcome, but it does not make up for the approximately \$80 million cut last year. In addition, he did not propose a bond issue for higher education. In his speech he directly linked capital spending to the possibility of asset monetization (i.e., selling or leasing state assets such as the lottery or the turnpike).

### State Council Legislative Breakfasts

To encourage legislators to more adequately fund higher education and address other concerns of the higher education community the State Council and the AAUP have schedule a number of legislative breakfasts throughout the state. You are invited to attend any one of the following breakfasts:

March 6<sup>th</sup>: Rider University at 8:30 am in the Bart Luedeke Center

March 6<sup>th</sup>: Rowan University at 8:00 am in the Student Center Ballroom

March 21<sup>st</sup>: Rutgers University at 8:00 am at the Labor Education Center on the New Brunswick Campus

April 13<sup>th</sup>: Montclair State University at 8:00 am in Rooms 411-4 of the Student Center

April 24<sup>th</sup>: New Jersey City State University at 8:00 am in Room 202 of Hepburn Hall.

Invitations will be sent to all legislators who represent districts near the Universities. Senators and Representatives near Kean University will be invited to Rutgers, Montclair or New Jersey City. This is an excellent opportunity to discuss higher education funding and accountability with your state representatives. Students are also welcome. If these breakfasts are a success, we may decide to hold one at Kean also.

### Paid Family Leave Legislation

Legislation that would create paid family leave in New Jersey has been introduced in the Senate as S-2249 and in the House as A-3812. The proposal is modeled on the California paid family leave program that has been operating for over a year. The funding for the program would come completely from the Temporary Disability Insurance (TDI) program which is 100 percent employee funded and would pay 2/3rds of a workers normal pay capped at \$502. Paid family leave could run for as long as 12 weeks. Leave could be taken for care of a seriously ill family member or to care for a newborn or adopted child. Earlier this year in an Eagleton Poll, 78 percent of New Jersey residents interviewed supported the concept of paid family leave. The State Council has been an active member of the Time to Care Coalition which developed and promotes this legislation. Sponsors of the bill include Senators Sweeney, Buono, Coniglio, Weinberg, Vitale and Lesniak, and Assemblymen and women Albano, Panter, Oliver, Van Drew, Vas, Giblin, Burzichelli, Stender, Johnson, Scalera, Egan, Diegnan and Gordon. The bill has been voted out of the Senate Labor Committee and now heads to the Senate Budget Committee. We will be asking members to write their legislators to support this legislation in the coming weeks. ◆

## LOCAL NEGOTIATION REPORT

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The KFT Executive Committee recently voted to develop an evaluation process and procedure for faculty/staff and students to evaluate the Administration. I would suggest that the KFT extend that evaluation to the Board of Trustees.

Everyone associated with the University should be subject to merit basis performance standards as judged by peers and subordinates. The Governor should know how well the Kean Board is performing; the Board should know how well the Administration is performing, etc. Our motto when it comes to evaluation should be "No one left behind." ◆

Send to:

### Kean Federation of Teachers

An Association of Professors, Professional Staff and Librarians  
Local 2187, AFT, AFL-CIO

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