



Representing Wayne State Faculty and Academic Staff

# NEWSBRIEFS

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## Report on Collective Bargaining

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Collective bargaining began on June 5th with the usual preliminaries concerning ground rules and timetables for the negotiation of a new collective bargaining agreement. The current three-year contract expires on July 31, and we are making every effort to reach an agreement on or near that date. For a variety of reasons, the initial going has been slow, but we are still hopeful that a timely resolution is possible.

Several key issues are already on the table, while others—particularly economic matters—are on hold pending the settlement of budgetary issues

between the Administration and the Board of Governors. As it currently stands, the single most contentious issue under discussion concerns the status of Academic Staff at this university. Other issues now before us or soon to arrive on the table include salaries, Fair Share representation, and healthcare costs.

### **Academic Staff Are NOT Expendable**

Over the past three years, we have reported in this newsletter on the numerous and mounting problems concerning the treatment of

Academic Staff at this university. For example, this year has seen a series of problems, deeply rooted in past managerial practices, surface in the Division of Student Development and Campus Life (DSDCL). We have had to file numerous grievances against the managers of the Division—indeed, eight of the 13 open grievances currently under review according to

the due-process procedures established in our collective bargaining agreement concern academic staff in DSDCL, many of them in the Office of Scholarships and Financial Aid. [See,

for example, the *Newsbriefs* for February of this year posted on our web site under "News."]

In mid-July, Associate Provost Margaret Winters asked us to agree to delay the filing of the most recent of these grievances while she tries to work with the Vice-President of DSDCL and his managers to bring an end to the practices that caused us to file the grievances. We have agreed to a delay of six weeks to see what happens.

Underlying the particular issues in each of these many disputes is management's

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belief, freely and explicitly voiced by some members of the Administration, that the members of our Academic Staff should not be in the same union with the Faculty. So long as this opinion is tolerated and promoted by top Administrators, we see little prospect that individual grievances can be resolved without going to the final step of either third-party arbitration or peer-review, depending on the nature of the case. I should add that with a large majority of past cases, the union has won a favorable decision before these neutral tribunals.

Unfortunately, tangible evidence that key Administrators regard Academic Staff as expendable has already been provided at the bargaining table in the form of a management proposal that Article XXIV of the contract, "Review of Professional Duties," be amended to exclude Academic Staff. As currently written, Article XXIV states that our "duties shall be reasonable and fair" and that:

*"If a substantial change in the duties of a bargaining-unit member is proposed which he/she considers contrary to his/her responsibilities, he/she may request review of the department or college action by the dean/director/vice-president before the implementation of this change."*

Where a member's duties are inappropriately assigned to persons outside the bargaining unit or to management, or where the duties assigned represent an excessive workload, the union has recourse to a remedy through consultation with the appropriate administrators and, if there is not a satisfactory resolution, appeal to a committee of peers (equally appointed by the union and the administration) to judge the matter. If the Administration disagrees with the committee results, then the matter can be taken to third-party arbitration.

Article XXIV has provided us with a method to resolve reasonable differences in a reasonable manner; most recently, a member of our Academic Staff won a high-profile case under this very

procedure [see the *Newsbriefs* for February 2002 and December 2001]. **By placing on the bargaining table a proposal that the Academic Staff be excluded from the protections of this article, the Administration declares their opposition to this form of due process for a significant number of our members.** They have stated that Academic Staff "will be taken care of" elsewhere in their proposed changes to the contract. As yet, we have not seen such proposals from the Administration.

This initiative should be seen in a context of the Administration's apparent intention to drive a wedge between the Academic Staff and the Faculty. We have seen this before under President Adamany, who made no bones about his desire to split the union along these lines. He was unsuccessful, and the present administrative inclinations in this direction will also fail. I can assure our members that the union's Negotiating Team and Executive Board are as committed as I am to defeating any such efforts by the Administration, in this bargaining round or in future ones. Considering the ongoing managerial mess in DSDCL, now is not the time to agree to proposals that might diminish the protections that members of our academic staff presently enjoy.

## Employee Benefits

We believe that many of the issues before us are negotiable on the basis of our previous work over the last three years in joint committees (called "2N" Committees for their equal representation of labor and management) that addressed a wide range of issues, including employee benefits. These committees did not negotiate a specific settlement for the issues before them, but they did explore common ground and, for all but one committee, they issued consensus reports that had the unanimous backing of their members.

[The one exception, as previously reported in Newsbriefs, concerned Administration-Union relations. Go to the website and click onto "Reports" for a full-text copy of the consensus reports from each Committee.]

Recently our bargaining unit members, along with others employed at Wayne State, got notices that parking fees are going to double for many and that medical insurance rates will increase dramatically in the coming year, by up to one-third for some subscribers. The Administration has announced its intention to explore the possibility of paying for parking with pre-tax dollars. This would reduce the impact of the parking increase by a third or so, depending on the tax rate for a particular bargaining unit member. We are working with the administration in a joint effort to try to find economies in the health insurance areas. This effort is based on the work of the 2N Committee on Health Costs that produced a very useful report on the matter.

## Salaries and Fair Share Representation

Two of the major issues in this round of negotiations are salary raises and a Fair Share fee that would spread the cost of representation more equitably across the bargaining unit. [For a detailed review of the issues concerning the Fair Share fee, see the *Newsbriefs* issue for April 2002, "Public Goods Are Not Free," on the website under "News."]

These two issues are linked in certain ways that may not be obvious. A Fair Share fee would impact the take-home salaries of our members for the simple reason that, if we are able to obtain agreement to a sensible arrangement that spreads the cost of representation across all Faculty and Academic Staff covered by the contract, the union will be able to reduce dues significantly. [As union members are well aware, they are currently paying the cost of representation for non-members who benefit from the contract but pay nothing to support the cost of collective bargaining.] A Fair Share fee will therefore mean

more money for our current members to help defray the increasing costs we face in parking and health insurance.

Salary raises will be an important issue. We are hearing about the problems that higher education is facing in Michigan this year, with no increase in the state allocation provided to public universities. The *quid pro quo* that was provided to the universities was the acquiescence of the State Legislature to a hefty increase in tuition for students. There is little doubt that this will be a difficult financial year for the University and that next year will also be hard. These problems were easy to see coming last year, as the economy slowed and state tax revenues began to fall. Nevertheless, the Administration saw little problem in giving aggregate salary increases of 5.26% to administrators, while bargaining-unit members got only an aggregate 4.0%. [See the *Newsbriefs* for March 2002 on the website, under "News."]

What raises can we expect in the coming round? We are going to be fair in our negotiations, but we are cognizant of the 4.1% raise that has been adopted at Michigan State and the 3% increase won by the Detroit Federation of Teachers. Where we end up in these negotiations depends on a realistic assessment of the economic condition of the University. We need to know, accurately, what money is available and where it is: what reserves are available from the Plant Fund, the Utilities Reserve, and other such sources where usable monies are often hidden.

We intend to pull our weight in addressing the economic situation of the University, but we are going to insist on fairness. The differential raises given to administrators last year in comparison to those given to our bargaining-unit members do not give us much indication that the other side has a similar commitment to fairness.

As negotiations continue, we will keep you informed about our progress.

# AFT Continues Voucher Fight Despite High Court Ruling

The AFT has vowed to continue the fight against vouchers despite the Supreme Court's 5-4 ruling June 27 in support of Cleveland's state-sponsored voucher program.

"Vouchers are bad education policy," said AFT president Sandra Feldman in a statement. "Our nation's commitment to public education is longstanding, built upon the principle of open and equal access for all our children. This decision undercuts that principle and commitment."

A key issue was whether the Cleveland voucher program violates the Constitution's ban on government-supported religion. Virtually all voucher students in Cleveland attend religious schools, although the law allows suburban and private

schools to participate. This "choice in theory" apparently was enough to convince a majority of the court to give vouchers a clean bill of health. The minority flatly disagreed. There is "no way to interpret the 96.6 percent of current voucher money going to religious schools as reflecting a free and genuine choice by the families that apply for vouchers," Justice David H. Souter wrote for the minority.

Much of the focus now turns to the states, where voucher supporters have pledged to use a favorable court ruling as a springboard for ballot initiatives and state legislation. For details, visit the AFT Web site at <<http://www.aft.org>>.

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