

AAUP Works

Chapter Bulletin

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Bargaining Begins on Contract Reopener

Work year, sabbaticals, and language related to semester conversion on the table

Negotiations for the contract reopener on semester conversion began January 19, 2012, and a second session was held on January 30. The 2010-2013 Collective Bargaining Agreement between the University of Cincinnati and the UC Chapter AAUP provides for reopener negotiations to take place between January 1, 2012 and March 31, 2012 with the understanding that changes are needed to accommodate the shift to semesters effective in August 2012. Negotiations are limited to items related to semester conversion. The AAUP negotiating team includes Dave Rubin (chief), Daniel Langmeyer, Steve Pelikan, Jennie Russell, and Greg Loving. The UC negotiating team includes William Johnson (chief), John Bryan, and Cady Thompson-Short.

On January 19th, the AAUP presented proposals on Ground Rules and Articles 1, 6,

7, 8, 9, 11, 13, 16, 19, 21, 22, 23, 26, 34, Definitions, M.1, M.4, and M.8. On that day, tentative agreements (TAs) were reached on the following items:

Article 1 – 1.3 – “Personnel Action Forms” becomes “Personnel Change Request” and requests for information change from each quarter to each semester.

Article 6 – 6.1.4 – The beginning date for faculty appointments is changed from September 1 to August 15 (the individual contract year will be August 15 through August 14 rather than September 1 through August 31).

6.2.4 – Librarians will apply for 10 month appointment by February 1 rather than March 1, and will be notified of the decision by May 1 rather than by June 1.

Continued on p. 2

On the Legislative Front: A Look Back at 2011, What to Expect in 2012

In the wake of the resounding repeal of Ohio Senate Bill 5 on November 8, 2011, Governor John Kasich said, “The people spoke, and when people speak in great numbers, in great unanimity, you listen to them.”

As Gov. Kasich stated, Ohio voters were clear in their statement last November: Ohio Issue 2 was defeated 61 percent to 39 percent. Only six of Ohio’s 88 counties voted in favor of Issue 2 (Warren, Mercer, Shelby, Miami, Delaware, and

Holmes). There were 47 counties that Kasich won in the 2010 election which voted against Issue 2.

Why was the repeal of Senate Bill 5 important to the Ohio Conference AAUP? The enactment of Senate Bill 5 would have meant the end of meaningful collective bargaining rights for public workers in Ohio, and the literal end of those rights for public university faculty. Those who proposed, enacted, and funded the effort to keep Senate Bill 5

Continued on p. 3

6.2.5 – If someone resigns, s/he should give notice by May 1, rather than by May 15.

Article 8 – 8.3 - Changes regarding the Grievance Committee include:

....."Clermont" is changed to "Clermont College" and "Raymond Walters" is changed to "Blue Ash College" (we will check other places in the contract where changes may be needed)

....."May meeting" of the University Faculty is changed to "Spring semester meeting" of the University Faculty (with respect to electing the faculty pool)

.....Term of office of Grievance Committee members is changed from September 1 through August 31 to August 15 through August 14; associated process dates are changed accordingly

.....Released time for the faculty pool co-coordinator is changed from 1 course per quarter to 1 course per semester.

Article 16 – The time of health insurance open enrollment will not change, but the time description will change from "fall quarter" to "fall semester."

Article 21 – The AAUP will notify the Administration of the dates of AAUP meetings by April 30 (of the previous year) rather than by September 30. This will provide enough notice to avoid conflict with meetings scheduled by the Administration.

Article 22 – Fair share language is updated to reflect the fact that SERB no longer provides fair share arbitration services (we will typically use the American Arbitration Association instead) and that any fair share fees being sent to a charitable organization (if the Faculty Member's religious objection to fair share is upheld) are being sent by the AAUP to that organization, rather than by the Administration. Notice and dues deduction dates are modified to reflect the August 15 to August 14 year rather than the September 1 to August 31 year. The original effective date language for this Article, referring to 2007, is no longer needed and is removed.

Article 26 – The time units for Professional Leave will be expressed as semesters rather than quarters.

M. 1 – In M.1.3, the University will provide certain health care payment information once per semester rather than once per quarter. In M.1.6, the Joint Committee studying the Sick Leave Bank will report by June 30, 2012, rather than by January 1, 2012 (the report will be available for use in negotiations for a new contract in 2013).

M.4 – The Environmental Oversight Committee will meet at least on a semester basis rather than on a quarterly basis.

M.8 – Collective Bargaining Agreement training for Administrators will be given during the fall semester rather than the fall quarter. The effective date (2008) language of this MOU is no longer needed and is removed.

On January 30th, the AAUP presented a proposal on Article 25 (Academic Leave). The proposal would accomplish the needed language changes ("quarter" to "semester") but also includes a wider array of sabbatical options aimed at offsetting some loss of leave time in some initial sabbaticals and making subsequent sabbatical options more useful for both Faculty Members and University.

Also on January 30th, tentative agreements (TAs) were reached on the following items:

Article 11 – In several places, the word quarter is replaced by the word semester with no practical effect. In 11.2.8, the maximum number of credit hours for dependents for which full tuition remission can be applied will be expressed in semester hours (144) as well as quarter hours (216), or to their combined equivalent for individuals taking courses under both quarters and semesters. In 11.2.5, the fee for dependents living out of state will be increased from \$10 to \$15 per credit hour since one semester hour is the equivalent of one and a half quarter hours.

Article 13 – Effective August 15, 2012, the overload rate is expressed per credit hour per semester (instead of per quarter) and each dollar amount is multiplied by 1.5 to reflect the difference in value between a semester hour and a quarter hour.

Our next negotiating session is scheduled for February 13. We expect the Administration to present a proposal on the work year and extra term (summer) compensation at that session or soon thereafter. We also expect negotiations over those issues to take up much of the remaining negotiating time up to March 31st.

These reopener negotiations will follow the same processes specified for all other negotiations. Once a final tentative agreement is reached, we will schedule informational meetings, followed by a vote of AAUP members to accept or reject it. The UC Board of Trustees will then make its decision on acceptance or rejection.

Dave Rubin, Ph.D
AAUP Chief Negotiator

were aware of that fact all along. Thanks to the voters' resounding repeal of SB5, Ohio public university faculty preserved their most basic right to bargain collectively over the conditions of employment.

The crisis of Senate Bill 5 created opportunities for the AAUP and all organizations in Ohio that care about decent jobs that support a healthy economy, and working conditions that allow Ohio's universities to compete for the best and brightest. Support for Ohio's public sector workers and the ability and willingness of Ohio's public and private sector unions to work in coalition have increased significantly. In addition, the AAUP has gained broader recognition and respect as an important voice for quality university education for all Ohioans. The State Conference will continue to do its part to speak out for these principles.

Unfortunately, the repeal of Senate Bill 5 is not the end of the attack on public employees in Ohio. We Are Ohio (the coalition formed to fight SB5) has established goals for 2012, one of which is to hold accountable those elected officials who supported Senate Bill 5 by working to elect different legislators in those district who do support public sector workers' rights.

The top priority, however, will be to push back against a so-called "right to work" amendment being proposed by a small group of activists. On the same day Indiana passed its "right to work" legislation, Ohio Attorney General Mike DeWine certified the petition for a constitutional amendment by a Tea Party-associated group. The next step for them is to secure approval from the Ohio Ballot Board, and then collect 386,000 or more signatures in order to place a "right to work" Constitutional amendment on the ballot.

If passed, this new requirement would apply to both public sector and private sector unions. "Right to work" laws, like the one passed in Indiana on Wednesday (February 1, 2012), require unions to represent all employees in a bargaining unit and provide services to them, including supporting their rights through a grievance process, but forbid them from negotiating fair-share fees to help pay for those services.

Gov. Kasich publicly stated last week that starting a fight in Ohio over a "right to work" amendment is a bad idea. On January 25, 2012, he stated, "Indiana has a different set of government than we have. They don't have any referendum or anything like that, and you can pass something if you've got the parties lined up. We've got a different situation here. And the one thing you have to do is, if you're going to bring about massive change,

that's going to cause great unrest – I mean, I've learned this – is you've got to prepare the way."

In other words, didn't we just fight this fight? Why would we go there again?

Twenty-two states have "right to work" laws, and the most recent statistics from the Bureau of Labor Statistics and the U.S. Census Bureau show that workers in states with right to work laws have consistently lower wages, higher poverty and infant mortality rates, less access to health care, and poorer education for their children than in other states (*Right to Work for Less*, available online at www.aflcio.org/issues/legislativealert/stateissues/work). There is no evidence that these laws lead to new job creation, either: among the 10 states with the worst unemployment rates as of December 2011, six of them have "right to work" laws (see chart below).

In closing, I'd like to say a few words about the other main focus of work by the AAUP Ohio Conference in 2011: research and conversations with legislators about a possible "enterprise university" proposal. After several months of conversations, during which the AAUP's research on this issue had a measurable impact, Chancellor Petro revealed the plan on August 11, 2011. This proposal, in whatever final form it might take, is supposed to be implemented by July 1, 2012. However, thus far no implementing legislation has been introduced in the Ohio legislature and as of this writing, I have not seen any moves toward doing so. I will keep everyone up to date on any future developments on this issue.

— Sara Kilpatrick, Executive Director
Ohio Conference AAUP

Top 10 Highest Unemployment Rates, by State
December 2011

"Right to Work"?		Unemployment Rate (%)
N	MICHIGAN	9.3
Y	SOUTH CAROLINA	9.5
Y	GEORGIA	9.7
N	ILLINOIS	9.8
Y	FLORIDA	9.9
Y	NORTH CAROLINA	9.9
Y	MISSISSIPPI	10.4
N	RHODE ISLAND	10.8
N	CALIFORNIA	11.1
Y	NEVADA	12.6

<http://www.bls.gov/web/laus/laumstrk.htm>

Faculty Report Interest in Flexibility in the Work Year, Sabbatical Options, as UC Moves to Semesters

In December 2011 and January 2012, the UC Chapter conducted a survey of bargaining unit faculty on a number of issues now being negotiated related to semester conversion. A total of 1,370 faculty members were invited to participate (the 334 faculty with 12-month appointment terms did not receive this particular survey because the questions did not apply to their situation).

Five hundred eighteen faculty members replied (37.8%). While not a scientific sample, the respondents are fairly representative of the bargaining unit across UC's colleges (see chart below).

Work Year Flexibility

Respondents indicated willingness and interest in having flexibility, once the 2012 semester begins, on work year schedules and sabbatical options. One of the ideas floated around campus over the past few years is the concept of a "trimester" system in which students could access needed programming, on an equal basis, during Fall, Spring, and Summer terms. Such a system, of course, would present some serious logistical challenges, chief among them how to staff summer terms with faculty who have the appropriate experience and expertise.

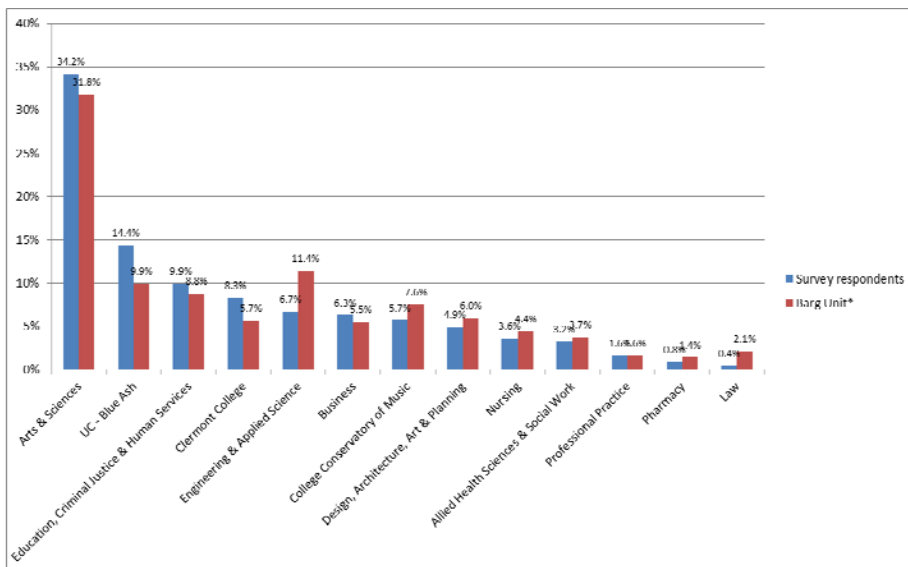
There is some experience at UC with running year-round programming, of course. While "swapping out" quarters (e.g., work Summer and Fall terms rather than Fall and Winter, as a regular schedule) is not currently a widespread practice, it does take place in some academic units, particularly those with Co-op programs. Only 4.6% of the respondents reported having swapped out a quarter in the past, but more than 99% did answer subsequent questions about the possibility of doing so in the future. 6.2% of respondents said they'd be interested in swapping out every year if it were an option in the future; another 36.6% said they'd swap out terms occasionally.

Most respondents would want such a system to be voluntary, however; 59% strongly oppose allowing "mandatory swap outs" and another 20% said they'd oppose it under most circumstances. They also expressed some serious concerns about the impact of service and shared governance functions if swapping out were to become a common practice in their academic units: 73.5% said it would be somewhat more difficult or a great deal more difficult to perform service and shared

governance under such circumstances (see chart, p. 6, for more details).

Sabbatical Options under Semesters

The sabbatical system for faculty with "9-month appointments" (i.e., no required teaching assignments in the summer terms) has almost exclusively been two quarters at full base pay, or one year at 2/3 base pay, every 8th year. The Associates Council conducted a survey of the sabbatical practices of 27 peer and aspirational institutions, in anticipation of these semester-conversion negotiations.

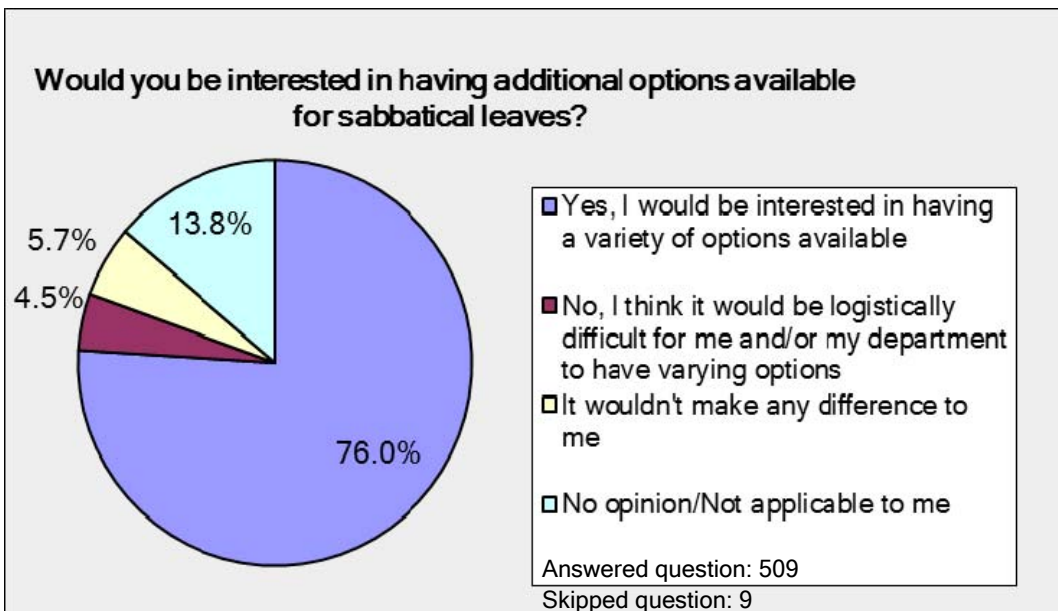
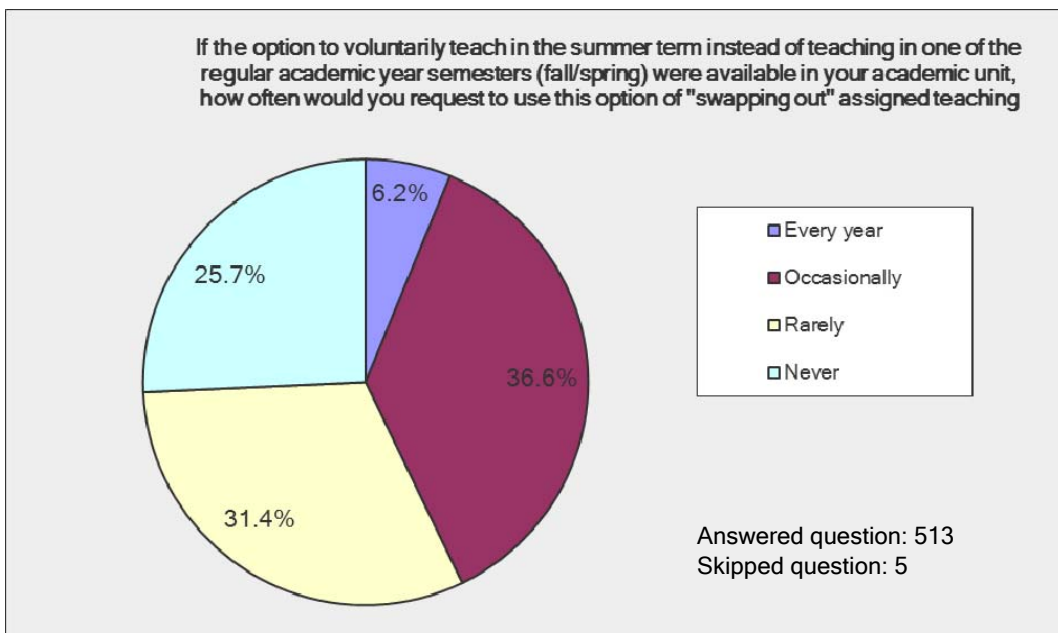


*NOTE: The 334 bargaining unit faculty members with "12-month appointments" were not sent this survey, as none of the questions apply to their appointments.

The Dec 11-Jan 12 bargaining unit survey also asked a number of questions about sabbatical options that could potentially be available, if negotiated, under the semester system.

In the bargaining unit survey, 52.7% of the respondents believed that, based on their knowledge or experiences at other institutions, a sabbatical every 8th year (as at UC) is typical. However, the Associates Council survey found, in fact, that of 23 peer and aspirational institutions reviewed which are currently on the semester system (out of 27 on the peer and aspirational list), 20 allow faculty a sabbatical in every 7th year and 3 allow for sabbaticals sooner than that. There is something of a rough equivalence between current practices at UC and these peer/aspirational institutions because of the difference in number of weeks between one semester and two quarters. Once UC goes to semesters, however, if the same sabbatical system were left in place, it would no longer be equivalent to that offered at peer and aspirational institutions.

Continued on p. 6



The UC Chapter’s proposals on sabbaticals under the new semester system will therefore be aimed at maintaining an equivalence to that had under the quarter system, as well as an equivalence to peer and aspirational institution practices. In addition, the Chapter will propose an expansion of the options available for sabbaticals, given that 76% of survey respondents indicated an interest in having a variety of options for taking sabbatical.

Special Issues in Co-op Colleges

There are a number of issues at the bargaining table in this round which will affect Co-op colleges, particularly, the continued use of the traditional “7th Quarter reserve” pay system. A special survey will be launched this week to bargaining unit faculty in CEAS, DAAP, and Business. Please keep an eye out for it if you are in one of those colleges.

— Deborah Herman, Executive Director
AAUP - UC Chapter

**Join the AAUP UC Chapter’s
Online Community!**

Be a part of a community of colleagues committed to affordable, quality public higher education for American students; academic freedom and faculty shared governance; and the right to engage in collective bargaining. The AAUP-UC Chapter Facebook page and website include the latest and best in local, state, and national stories related to these principles.

Visit our website at

www.aaupuc.org

You can see the Facebook feed on
the main page.



Like Us on Facebook!

Support AAUP principles through your social network when you "Like" our Facebook page at www.facebook.com/aaup.uc.

Please indicate your opinion about the possible effects of faculty members in your unit "swapping" their teaching duties from fall/spring into summer.

Answer Options	Great Deal Easier	Somewhat Easier	Neutral	Somewhat Harder	Great Deal Harder	Response Count
Forming committees and effectively performing committee work	8	15	89	197	190	499
Managing RPT dossier preparations and committee work	5	22	136	167	169	499
Forming hiring committees and making meaningful hiring recommendations as a faculty body	5	29	118	177	169	498
Holding meaningful faculty meetings	3	11	109	188	187	498
Managing student advising	7	40	199	134	118	498
Mentoring new faculty members	3	32	193	154	115	497
					<i>answered question</i>	501
					<i>skipped question</i>	17

NOMINATIONS FOR PARADISE SCHOLARSHIP NOW OPEN

All faculty encouraged to nominate undergraduates committed to service, human rights



The AAUP-UC Chapter announces the award of a **\$2,000 scholarship** for any UC undergraduate currently at the level of Junior or above, who will be a full-time student for the academic year 2012-2013.

This award is provided by the Paradise scholarship fund. James Paradise was legal counsel for the UC Chapter through five years and three collective bargaining agreements. He was an NLRB trial examiner, General Counsel of the Brewery Workers International Union, and President and Board member of the American Civil Liberties Union. Charlotte was a teacher, active member of the Cincinnati Women's City Club, and her husband's legal secretary for more than a decade. The scholarship honors their commitment to community service, concern for others, and willingness to defend human rights and civil liberties. Demonstration of these characteristics is a requirement of the scholarship. Nominees should have good academic records that evidence an ability to do serious study and a willingness to accept challenges. Equally important will be evidence that, in life outside the classroom, the student exemplifies the unselfish commitment to community service, concern for others, and willingness to defend human rights and civil liberties. (Activities that are undertaken as part of membership in social or fraternal organizations will not be taken into consideration.)

The deadline for nominations is March 16, 2012. The deadline for submission of applications by nominated students is April 20, 2012. Nominations may be sent to aaupuc1@uc.edu or UC Chapter AAUP, ML 0176 (450 Dabney Hall).



ACTIVE MEMBERSHIP FORM AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS UC CHAPTER



I hereby request and authorize the University of Cincinnati to deduct from my monthly salary in equal installments the annual amount of AAUP dues in accordance with Article 22 of the Collective Bargaining Agreement. AAUP dues are three-fourths of one percent (0.75%) of base salary thereafter. I voluntarily authorize this deduction, which authorization is automatically renewed each September 1 hereafter unless I revoke it by written notice within the first 15 days of August to the University of Cincinnati Chapter, AAUP. (Please send this form to Mail Location 0176 or bring it to the AAUP office at 450 Dabney Hall. Retain a copy for your records.)

Print Name _____ Office Location _____

Dept./College _____ Mail Location _____ Office Phone _____

Email Address _____ Alternate Phone _____

Tenure Status (for national AAUP records): Tenured Tenure-track Non-tenured

Signature _____ Date _____

Annual Retirement Workshops in March

The UC Chapter AAUP and the University's Human Resources Department jointly sponsor a retirement workshop each year. Workshop topics include health care options, tax issues, and retiree benefits such as parking, use of UC libraries and bookstore discounts. Spaces are still available for both sessions, which will have identical presentations:

Tuesday, March 6th, 10:00 a.m. – 12:00 noon, Vontz Hall Auditorium
Wednesday, March 7th, 12:00 noon – 2:00 p.m., Vontz Hall Auditorium

Presenters will include: Deborah deGroot-Osswald, Director, UC Human Resources Center; a representative from STRS; a representative from Impact Solutions (the new provider for counseling and referral services, formerly provided by REACH); and a member of the AAUP-UC Chapter staff.

These seminars are useful to those who have already decided to retire and to those who are contemplating retirement in the next few years. If you would like to attend one of these sessions, **please RSVP** to the AAUP office at 556-6861 or via e-mail (aaupuc1@ucmail.uc.edu).

Tax Deductibility of AAUP Chapter Dues and Fair Share Fees



Did you know that Chapter dues and Fair Share fees are often tax deductible, if you itemize your deductions?

Check out this option with your tax advisor.

FOR RENT:

Clifton Gas
Light District:
Coach House
available for
rental. 3
bedrooms; 2.5



baths. modern kitchen; private garden. On Manor Hill Drive, short walk to Ludlow Ave. business district. Contact Don Mooney, at dmooney@ulmer.com or or 513 698-5070

What's Inside?

- **Bargaining Begins on Contract Reopener**
Work year, sabbaticals, and language related to semester conversion on the table (pp. 1-2)
- On the Legislative Front: What to Expect in 2012 (pp. 1, 3)
- Faculty Report Interest in Flexibility in the Work Year, Sabbaticals Options (pp. 4-6)
- Nominations for Paradise Scholarship Now Open (p. 7)
- Annual Retirement Workshops in March (p. 8)
- Tax Deductibility of AAUP Dues, Fair Share Fees (p. 8)

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