

**IBB Bargaining Meeting Notes
January 30, 2012**

Participants: Tony Barringer, Steve Belcher, Lucero Carvajal, Lois Christensen, Beth Elliott, Joan Glacken (note taker), Maddy Isaacs, David Kakkuri, Sue Putman (observer), Monika Renard, Hudson Rogers (facilitator), David Steckler.

Steve introduced David Kakkuri and welcomed him to the IBB Bargaining Team.

Hudson drew a diagram of the pre-IR process on the white board that has been discussed in prior meetings.

Event	-----(Currently 30 days for pre-IR)-----	File the IR
Discussion has been about	40 days	Or ability to request extension
	45 days	of Pre-IR period
	60 days	

Hudson said one question that has been asked is why do we need to list or identify alleged CBA violations (article or sub-article) in the IR? Maddy said another question is what is magical about 30 days from the event for filing? Hudson said the trigger is the event that leads to a concern. He said that if the trigger or event is not resolved at the level of the chair/supervisor it leads to a process, currently identified as the IR process. He said that if the faculty member feels there is a concern he/she has a responsibility to initiate conversation with the chair/supervisor about the event. He said that there needs to be a clear time period to preserve rights to go to grievance. If the faculty member does not follow the time line the issues from the past can still be brought up, but not taken to grievance. The question of the timeline is how long must it take before you lose the right to go beyond the IR process. Monika replied, sixty (60) days given the time frame of holidays that may get in the way. She said that over the summer sixty (60) days are enough. Maddy said any event triggered thirty (30) days before the end of term should establish thirty (30) day period on the first day of the next term. She said it takes faculty time to decide to identify themselves as a complainer or adversary. Monika said that it should be 60 days during the term given the time for holidays as she does not want people to be blocked out of the process. She said that over the summer 60 days is not enough. Maddy said that we could do this by saying that the faculty member has 30 days to think things through but can go past that 30 days if they have raised the question about the concern with their supervisor. She said that having talked with faculty, she agrees with Monika as it takes a faculty member time to self-identify.

Tony said letting an issue linger for sixty (60) days can be disruptive to a unit especially if the faculty member complains to peers about the problem and does not take action to address the matter with their chair or supervisor. Maddy asked what stops a supervisor from going to faculty and asking if they have a problem. She said that just saying you have an open door policy does not encourage faculty if the climate also indicates enter at your own risk. The supervisor should also be obligated to reach out.

Steve said that he is struggling with the questions raised about the timeline. He said that problems should be brought forward and resolutions sought as promptly as possible and as low in the organization as possible. He said that is the general rule of conflict management. He said that the problem with this 60 day extended time is that we have not really addressed the interest to attempt

48 resolution of problems promptly as possible. He said there is then the issue of preservation of faculty
49 rights to file a grievance. He said he has concern with the premise that thirty (30) days is not long
50 enough to decide to file a request for IR because faculty are afraid to file. He said that in serious matters
51 if the University is at fault and violating a provision of the CBA it should be addressed as quickly as
52 possible. He said that he is struggling with adding more time to the process. He said that if it is an open-
53 ended time, then we will be dealing with issues that are not timely and may not be covered by the CBA.
54 He said that Article 20 comes in when there is a disagreement. He said that there might be some benefit
55 in extending the initial 30 days if a solution is close. However, if a resolution is not forthcoming, we
56 need to reach the point where an IR is filed and UFF and Academic Affairs are involved in the process
57 and that engagement should not be at the pre-filing stage. He said that without a filing and an
58 identification of alleged CBA violations then it is likely that AA could end up addressing non-CBA matters
59 as part of the IR process and which then can become part of the grievance process contrary to the CBA
60 language.

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62 David Steckler said he agrees but would like to see Article 20 expand the empowerment behind IR so as
63 to filter out issues prior to going to grievances. He said that it is important to get everyone talking about
64 issues and from his perspective IR has become formal and is stifling. Hudson stated that the issue at IR
65 must fall within the CBA. He said that issues need to be defined by the contract. David Steckler said
66 terms and conditions of employment could be everything a faculty member is experiencing. Monika
67 said a faculty member can only grieve a term or condition covered by the CBA. Terms and conditions of
68 employment can go beyond the CBA and it has a legal definition. Maddy said that UFF has certain rights
69 as the bargaining agent for terms and conditions of employment. She said that if there is not a CBA
70 violation, but it is a term and condition of employment is impacted, UFF can engage in consultation,
71 demands to bargain impact, file a chapter grievance or ULP. She said this discussion is about individual
72 faculty concerns and she is hearing mixed issues that may have different responses for violation of the
73 contract versus those issues related to the bargaining of terms and conditions of employment.

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75 Beth said that the average faculty member is not as familiar with the CBA and there can be a gray area
76 of attaching a problem to the contract. Steve said that current language allows faculty to email
77 Academic Affairs without contacting UFF. When he receives an email from a faculty he contacts David
78 Steckler on behalf of UFF and at that point all parties are engaged and can determine if the issue is a
79 violation of the CBA. Hudson said that we need to remember that according to Article 20.6, a grievance
80 may be amended without University consent one time throughout the review process prior to the Step 1
81 or Step 2 meeting. Steve said that these procedures have been working and yet what is being discussed
82 is how this process can or should work in pre-IR. David Steckler said he thought we should open Article
83 20.1 to encourage more discussion. He asked if we can empower the ability to extend pre-IR for a
84 reasonable time unrestrained by the CBA and tell faculty there are deadlines to filing the formal IR. He
85 said that we need to educate faculty to make an attempt to work it out and there needs to be a
86 reasonable period of time to work it out. Maddy said the IR deadlines are problematic. David Steckler
87 said if there is less formality at the lower ends, a problem could be resolved the same day if possible. He
88 said that IR is a process that takes time for teasing things out and there is always the issue as to whether
89 it falls under the CBA rather than a focus on solving the problem.

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91 Beth said she would like to see sixty (60) days to tease out an issue prior to filing a Request for IR.
92 Hudson said that the literature does not support more time and clearly states that problems should be
93 addressed expeditiously and at the lowest level. Maddy asked how expeditiously is defined. She said
94 that sixty (60) days is expeditious to her. David Steckler said that you have to train people and have
95 them empowered to solve problems. He said that as soon as an issue affects you, you should have to

96 contact administration by email (within 15 days) and allowed thirty (30) days following contact to
97 address the issue and that would sum to having up to forty-five (45) days to file. Beth said that slow
98 burning things are a problem. She said that those would take longer than 30 days for the faculty
99 member to decide to file. Monika said that before going to the supervisor the faculty should find out if
100 others are experiencing that same problem. And that would require more time to think about and
101 investigate the matter.

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103 Lucero asked if the trigger or the event could be the first interaction with the supervisor. Hudson said
104 there is a problem with the contact to the administrator being the trigger point. He said that the trigger
105 is when the event occurs and the faculty member is on notice and has the responsibility to act to
106 preserve his/her rights to grieve consistent with CBA language. He said that this cannot be left open
107 ended. He said that the faculty member must determine how they want to proceed in respect to
108 preserving that right. Hudson said he is hearing:

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110 Event |-----30 days to make contact ----|-----30 days to “work it out”-----| before filing IR

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112 Hudson said this is problematic because it is telling faculty you do not have an obligation to act
113 promptly. He said that he supports: Event |-----30 days to “work it out” -----| and then the faculty
114 member can opt to file IR if not satisfied.

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116 Monika asked Hudson how he would change the contract. Hudson said once the concern is recognized,
117 that is there is an act or event or a failure to act, the faculty member should meet with supervisor in an
118 attempt to resolve the matter before filing IR. He said that in terms of changing the CBA he would
119 advocate adding language that would make it clear to faculty and supervisors that there is an
120 expectation for them to use the 30 day period prior to the filing of an IR to attempt to resolve the
121 concern. Maddy said that this therefore makes it incumbent upon the faculty member to take action.

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123 Hudson said the CBA current language is silent on expectation of what needs to be done in the thirty
124 (30) days prior to filing IR. He said that if the faculty member does not bring the concern forward the
125 supervisor might not even be aware that there is a concern. Lucero asked why the time of the faculty
126 member’s contact with the supervisor cannot be the trigger. Steve said that there is currently no
127 language in the CBA to allow for granting an extension to the thirty (30) days to file an IR. He suggested
128 consideration of adding language in Article 20.1 to allow for a time extension during the pre-IR period if
129 both the faculty member and supervisor mutually agree to extend time in an attempt to resolving an
130 issue. He said that that could be established by sending an e-mail or written request to Academic
131 Affairs. He said that this kind of change in language could address the discussion about additional time
132 in the pre-IR stage and still preserve rights of the faculty member to file an IR.

133
134 Maddy said that at least two other universities have 60 days for informal resolution. Steve said that
135 those universities are much larger than FGCU and we need to be discussing what works for us. Hudson
136 said that at most of the other universities the informal process is contained within the formally filed
137 Step grievance while our process is outside the formal filing. Monika said we have a problem on the
138 table and are trying to structure a resolution and we need to come to a solution. She said it is not
139 acceptable to leave the CBA unchanged and that is not bargaining. Hudson said he hears Monika’s
140 statement as taking a position.

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142 David Steckler suggested that we consider new wording for Article 20.1 that would give faculty fifteen
143 (15) days after the faculty and supervisor cannot reach agreement to file for IR. Maddy said that does

144 not solve her end of semester problem. Steve said that the concern with an issue coming up at the end
145 of a semester can be resolved by filing a request for IR and seeking mutual agreement to extend the
146 time line into the next semester. He said that under the current language, once the faculty member
147 sends an email to Academic Affairs, the UFF and AA are engaged in the process. He noted that under
148 the discussions about pre-IR, as “outside parties” the roles of UFF and AA are unclear. He said that there
149 has been a suggestion that we add language to the CBA about the pre-IR stage encouraging a
150 chair/supervisor and the faculty member to attempt resolution of the issue. He said that we have not
151 discussed the role of UFF or Academic Affairs during that time period and he is not suggesting that there
152 be any role for it is the period where the faculty member and the supervisor need to get together and
153 work thing out. Steve said that if the faculty member requests the presence of UFF in the meeting with
154 the chair/supervisor, he sees that UFF individual as an observer and not as a representative and there
155 would not be a filed or declared matter under the CBA. He said it is important to note that under the
156 current CBA language the UFF is representing the faculty member during IR meetings that are held to
157 attempt resolution of the issue. David Steckler said he agreed with the question of roles and that his
158 comments about the need to train and educate how to use the most informal resolution process as
159 possible is aimed at having the parties get together and work things out.
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161 Maddy ask whether we lose anything if the matter is resolved informally by extending timelines. She
162 said that the UF standard is sixty (60) days except for discipline. She asserted that we gain by extending
163 deadlines and supervisors should approach faculty if they sense dissatisfaction. Hudson said we are
164 coming to this discussion from completely divergent points and may need to decide if there is shared
165 interest on this question of extending the 30 day period prior to the filing of a Request for IR.
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167 As the time for the meeting was ending, the Team agreed the agenda items for the next meeting should
168 include:

- 169 • Reviewing notes from past meetings,
- 170 • Identifying options, and
- 171 • evaluating options,

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173 The next meeting is scheduled for Thursday, February 2, 2012 from 1:00 p.m. – 4:00 p.m. in AB 5, Room
174 210.

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176 The UFF team will facilitate the February 2nd meeting.
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