

**IBB Bargaining Meeting Notes  
January 20, 2012**

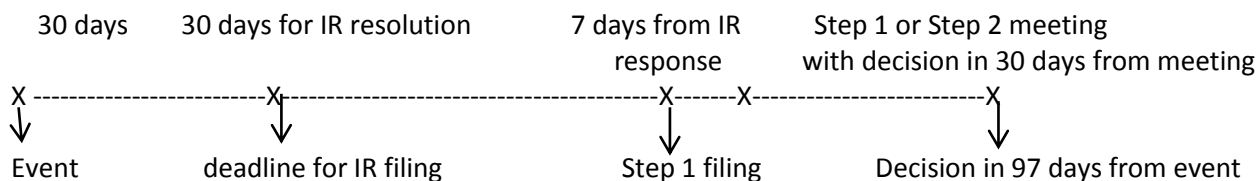
Participants: Darlene Andert, Steve Belcher, Lucero Carvajal, Lois Christensen (note taker), Beth Elliott, Madeline Holzem, Maddy Isaacs, Sue Putman (observer), Monika Renard, Hudson Rogers, David Steckler, David Vazquez, Jim Wohlpart (facilitator).

-Steve announced that David Kakkuri would be joining the IBB Team to replace Madeline Holzem as she has recently accepted an appointment as Director of Human Resources at another institution. The team congratulated Madeline on her new position and wished her well.

The Team scheduled the following IBB Bargaining meetings:

- January 26 9:00 am – 11:00 am
- January 30 9:00 am – 11:00 am
- February 2 1:00 pm – 4:00 pm
- February 8 1:00 pm – 4:00 pm
- February 10 1:30 pm - 4:00 pm
- February 15 1:00 pm – 4:00 pm
- February 17 1:30 pm – 4:00 pm
- February 29 1:00 pm – 4:00 pm

Jim suggested a review of the current timeline for the Informal Resolution (IR) process and the Team agreed to focus the discussion on the beginning of the process starting with an event that may lead up to the filing of an IR.



The Team noted that presently, Article 20.1 Purpose and 20.2 Informal Resolution Procedure, have language describing procedures, conditions and limitations about the IR process, but does not indicate how a faculty member and chair/supervisor should attempt to resolve a concern in what was referred to as the “30 day pre-IR stage” of the process that leads up to the filing of an IR. The requirement to file an IR within thirty (30) days of the event in order to preserve the “right” to file a grievance if the matter is not resolved was raised as a concern by UFF. In addition, the following items were identified and discussed regarding the pre-IR “step” in the process:

- Definition of the act or omission to identify the “trigger event”
- CBA does not speak to nor does it include language addressing the first 30 days immediately following an event
- Current lack of language to allow extension of time for pre-IR efforts
- Need for more time for Pre-IR – suggestion of 60 days

- 44 • Mediation as an option to assist the faculty member and chair/supervisor during Pre-IR
- 45 discussion
- 46 • Addressing issues that may not be a violation of a provision of the CBA
- 47 • UFF duty and right to represent
- 48 • Observer vs. Representative roles
- 49 • Comparison with the process for student complaints/issues

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51 The following notes were placed on the board and discussed during the meeting:

- 52 • Mediation – faculty and administration meeting together
- 53 • IR person meets individually with faculty and administration
- 54 • Requests for assistance with conflict
- 55 • Academic Affairs appoints IR representative who works with faculty and administration to
- 56 define timeline (with max) and process; extensions and change in process can be requested
- 57 by either party
- 58 • Faculty has UFF as representative

59  
60 Steve provided some examples of IR requests and noted that several members of the management team  
61 have served as the Academic Affairs representative and have worked with David Steckler in attempts to  
62 resolve IR requests. The Team noted the shared interest of attempting to have faculty concerns  
63 addressed as promptly as possible at the lowest level, preferably between the faculty member and their  
64 respective chair/supervisor.

65  
66 Monika said that in recent IRs the tenor was that we cannot talk anymore. She said that CBA and non-  
67 CBA issues are not easily divided and are often intermingled and faculty are not allowed to address non-  
68 CBA matters in the IR. Hudson said that he was not sure that it was good policy for the CBA to have  
69 language covering non-CBA matters. The Team then discussed how the IR process works beginning with  
70 the “Event” and ending with the filing of the Request for IR.

71  
72 Steve referenced the out-of-unit grievance process and indicated that the employee files and the HR  
73 Director makes a determination if the event was grievable. He said that he accepts that the UFF has a  
74 duty to represent but there may be times where a claim by the faculty member may not be a matter  
75 covered by the CBA and yet there are instances where the faculty member wants the matter addressed  
76 through the CBA. He said that such conversations might allow for discussing concerns but with a clearer  
77 indication of whether a matter is CBA or non-CBA related. He said that the interaction between the  
78 faculty and the UFF speaks to the UFF’s role as observer versus representative in a matter of concern to  
79 the faculty member. Steve said that David Steckler contacted him and asked for an extension prior to an  
80 IR filing and he had to inform David that the current CBA language does not allow for an extension until  
81 after an IR is filed.

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83 Darlene said that Article 20.1 B of the CBA says “work related” and maybe a sticking point when  
84 management does not want to address all work related matters under the CBA. Maddy said that UFF  
85 may be able to claim that almost anything work related is a term and condition. Darlene said that  
86 Article 20.1 B seems to cover CBA and Non-CBA matters and seem to allow everything to flow from it.  
87 Monika said that based on current language those things covered by the CBA can go to grievance but  
88 non-CBA matters cannot. She said that we need to discuss what is an event and when faculty “knew or  
89 should have known.” She said that an “event” is an act or omission on the part of the management.

90

91 David Steckler said that he was not sure that he could be convinced why thirty (30) days is better than  
92 either sixty (60) days or ninety (90) days as the window during which faculty can bring things forward.  
93 He said that there are ways to balance all interests to get a matter resolved. He said that he does not  
94 want matters bifurcated as CBA and non-CBA matters. He said that there ought to be a way to bring all  
95 concerns forward and have them addressed. Monika said that there is a need to determine if IR is to be  
96 filed at 30 days after an event. David Steckler said that we can agree that IR sometimes frustrates the  
97 process. He said that notwithstanding the goal of addressing faculty concerns, the filing of an IR freezes  
98 the process and complicates the process.

99

100 Jim said that he is hearing that there should not be a timeline. He asked, if 30 days after the event is the  
101 point at which IR is filed, how can we define this with flexibility so that there is no timeline? Monika said  
102 that she did not think that the IR process was meant to be formal. David Steckler said that sometimes  
103 he gets a call that there is an event and the faculty member says that he/she wants to file an IR. Jim  
104 asked if it was possible to separate the process. Monika said, if IR was really informal then the parties  
105 need to be in the room together. Jim said that in some instances the parties might not want to be in the  
106 room together. Steve said that the CBA language only defines what the AA Representative must do,  
107 example, ensure that UFF is notified. He said that beyond the notification of UFF there is no CBA  
108 language to say how the IR process is to be done. He said that we have not been prescriptive.

109

110 David Steckler said that mediation tends to work because people may not want to go to litigation.  
111 Hudson said that the CBA language does not say anything about the first 30 days. Jim said that the  
112 faculty member can request assistance with the conflict within the first 30 days. He said that if there is  
113 and IR filing then AA appoints an IR Representative who works with the faculty, the UFF Representative  
114 and the supervisor in an attempt to resolve the issue. He said that an extension or a change in the  
115 process can be requested by either party.

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117 Beth said that there is still an issue with the first 30 days as it is not long enough, with particular interest  
118 at the beginning and end of semesters and those that may not have summer assignments. She said that  
119 the faculty might be too busy to process the event. Maddy said that she also has a concern with 30 days  
120 and gave the example of an event that occurs in early December and would have to carry over during a  
121 period when the end of the fall term and Winter Break (University is closed) occur. She said that any  
122 first step should go to some group that is more neutral. She said that if it has to go to AA then it is not  
123 necessarily neutral. David Steckler asked if feasibility depends on training of faculty and administrators.  
124 Monika said that maybe the matter should be sent to Human Resources or to the Ombudsman office.  
125 David Steckler said if faculty does not want to go to IR then we can learn that early in the process. He  
126 said that they need to be opening up the matter with someone to help them and who may be willing to  
127 offer something to address the concern. Darlene said that for this reason 30 days may be too short. Jim  
128 said that from what he is hearing, maybe the pre-IR process should be 45 days. Monika said that she  
129 agrees with Darlene that the pre-IR period should be 60 days.

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131 Jim asked if we wanted to react to having a pre-IR period that is longer than 30 days. David Steckler said  
132 that in reality if the event is in week one of the semester then it might be best to get the process and  
133 then see how it works. David Steckler said that he is interested in avoiding a process that leads to the  
134 filing of a grievance. He said that we should stop thinking about winning and focus on addressing the  
135 faculty members concern. Maddy said that maybe that could provide the basis for agreement. Jim  
136 asked if that meant that we wanted to craft language. Hudson said that we are not ready for language  
137 as there is no consensus.

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139 Jim said that one option might be:  
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141  
142 Event  
143 X ..... 30 days to contact chair .....X .....30 days to attempt resolution .....IR filing ..... 30 days .... Step 1  
144  
145 Hudson said that the current language has been working and it is important for all parties to know what  
146 the CBA language provides. He said he has concern with extending the time for the pre-IR and the  
147 requirement for filing the IR. He noted that when there is a concern it is critical to have the faculty and  
148 supervisors enter into dialogue as soon as possible. Beth said she likes the idea of having resolution on  
149 an issue in a short timeline, but questions what the problem is with an extended timeline. Hudson said  
150 that other things can happen in the process while the timeline is extended and it is important to attempt  
151 resolution sooner rather than later. He stated that this view is supported by the literature in the field.  
152 David Vazquez said there has been good discussion about shared interests and shared concerns with the  
153 informal and formal aspects of the process and timelines seems to be the problem. He said that  
154 currently there is sixty (60) days with the pre-IR and IR steps. He said that what he is hearing is UFF's  
155 interest in increasing the timeline to sixty (60) days before an issue would brought forward for an IR.  
156  
157 Monika said that we are discussing extending the Pre-IR time to 60 days. David Vazquez said that he is  
158 hearing that we can talk about timeline but there does not seem to be consensus on having a longer  
159 timeline. David Steckler said that we need closure points in the process. He said that the goal must be  
160 to allow time for people to reach agreement. He said that we are trying to get to a place that would  
161 force the parties to go all the way to grievance on fewer issues. David Vazquez said that he does not  
162 disagree with the goal of trying to get people to reach agreement. He said that looking more at the days  
163 rather than at the process might appear to be a major sticking point. He said that if we had to get a  
164 shorter timeframe – how long might that time be after the event.  
165  
166 Steve said that we should consider the current process that allows a faculty member to move forward  
167 after 21 days and with good faith effort to seek resolution. Maddy said that the good faith effort is  
168 pushed back on the faculty and not on the administration. She said it focuses only on the faculty  
169 member and not on the supervisor. David Steckler said that if management is told that the IR is a pre-  
170 cursor to filing a Step 1 then there is no way that management would work to resolve issues, as there is  
171 no mutuality in the process. He said that the supervisors should be asking, what can I do to address the  
172 concern rather that what CBA language may apply. Maddy said that we are in a good place in terms of  
173 the IBB and the collaborative effort to address concerns.  
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175 The next meeting is scheduled for Thursday, January 26, 2012 from 9:00 am – 11:00 am in AB5, Room  
176 309. The UFF team will facilitate the January 26<sup>th</sup> meeting.  
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