

**IBB Bargaining Meeting Notes
January 19, 2012**

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Participants: Darlene Andert, Steve Belcher, Lucero Carvajal, Lois Christensen, Beth Elliott, Joan Glacken (note taker), Maddy Isaacs (facilitator), Jeff Kleeger, Kathy Miller, Sue Putman (observer), Hudson Rogers, David Steckler, David Vazquez, Jim Wohlpart.

The meeting notes for the November 28, 2011 and December 1, 2011 meetings were reviewed and revised for clarity. Darlene Andert noted that she should be added to the list of participants at the November 28, 2011 meeting. There were no substantive changes and the meeting notes for November 28, 2011 and December 1, 2011, were “thumbed up” as adopted.

Maddy stated that on our agenda is to review the list of brainstorming items from the December 1, 2011 meeting that were provided to the team by Steve in his December 16, 2011 “Brainstorm Items for Article 20” email. Jim raised a process question by asking if “Chapter Grievance” had been identified as a shared interest as it was included on the list of Brainstorm Items. Maddy said that “chapter grievance” was not a shared interest, but it is still an issue that UFF intends to pursue. Steve requested a break for the management team to caucus.

When the Team reconvened, Steve reported that management discussed Jim’s question on whether chapter grievance is a shared interest. Steve said that management recognizes that chapter grievance is a strong interest of the UFF; and, while it is not a shared interest, management sees it as an area that needs to be discussed in more detail by the Team. He suggested the Team keep chapter grievance on the list for brainstorming items so that we can talk about it with a clear understanding that is not an interest that management shares with UFF. Maddy said she appreciated the thoughtfulness behind Steve’s remarks and indicated that the UFF agreed to the suggestion to keep the item of chapter grievance on the brainstorming list even though it was not a shared interest. Maddy added that the UFF was not quite ready to leave brainstorming since it had been six (6) weeks since the last bargaining meeting and the Team likely needed to consider whether anything else should be added to the brainstorm list before beginning to evaluate the shared interests. After a review and brief discussion it was determined that there were no additional items to be added to the brainstorm list.

The Team began a discussion about the Informal Resolution (IR) process. Without providing specific details, Steve described a recent IR that was filed with the Office of Academic Affairs (AA) on a Thursday afternoon and in reading the IR email request he learned that a meeting with the Dean was scheduled for the next day (the Friday morning). He said that the IR Request was initiated prior to the meeting with the Dean and was a surprise to both him and the Dean as the Dean had hoped the parties would have been able to resolve the matter in the Friday meeting. He said that the CBA required the Office of Academic Affairs to appoint an IR Representative since the IR was filed. He noted that this made the Dean’s role less clear and raised a concern about how to proceed with the Friday meeting absent the IR

42 Representative and the UFF Representative since the filing of the IR triggered the right of the faculty
43 member to have UFF representation during the IR process.

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45 David Steckler said, "Just because an IR is filed does not make it a formal process, however given the
46 requirement to specify a violation of the CBA, the process has tended to be viewed as a formal process."
47 Hudson said that AA does not tell the IR Representative what to do in respect to how to handle the IR
48 meeting. Maddy asked if the IR representative has to ask AA to review or approve any decisions. She
49 said that her understanding is that the IR Representative does not make independent decisions. Hudson
50 said AA does not interfere with the IR process and that when he previously appointed an IR
51 representative, he notified all parties that communications were to go directly to the IR representative
52 and not to his attention. Jim said that he did not submit his IR decisions to AA for review for the last two
53 (2) cases he handled but that it was important that the parties to the dispute or concern both reach
54 agreement on any proposed solution. He said that absent a consensus on a proposed solution there was
55 no solution. Lois also said that she had handled an IR without the requirement to review the matter
56 with AA.

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58 David Steckler said that in the matters he has been involved in handling, the IR representative makes a
59 decision or recommendation for solution and, if it is rejected by the parties then a grievance is filed.
60 Hudson said that once a grievance is filed, at either Step 1 or Step 2 as appropriate, a different
61 Representative is designated by AA to review the alleged CBA violations and issue a grievance decision.
62 Steve pointed out in the 2004-2007 Agreement the IR process used to be part of Step 1 grievance.
63 Subsequently, IR was moved out of the formal grievance process as indicated in current language. He
64 said that the parties' intent was to simplify the raising of a faculty concern and provide an opportunity
65 to resolve a problem before it rose to the filing of formal grievances.

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67 David Steckler said that it would be useful to address all concerns in IR whether or not the issues are
68 related to the CBA. Maddy said that she sees two issues: the timeline for IR and the process for IR. She
69 observed that faculty have complaints about situations which include CBA and non-CBA issues. Steve
70 said that management wants to address all concerns, whether they are in or out of the CBA. Hudson
71 said that while management wants to help address all concerns, it is important to recognize that issues
72 that are not covered by the CBA cannot be addressed, nor should they be filed using the grievance
73 process. He also reminded the Team that, according to Article 20.2 B., in order for the faculty member
74 to preserve their rights to file a grievance the faculty member must file a request for IR within thirty (30)
75 days of the act or omission giving rise to the dispute. He said that was a critical element that must not
76 be overlooked as we talk about the IR process.

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78 Darlene said everyone at the table had agreed with the shared interest for issues to be resolved at the IR
79 level. She said that someone needs to say the "door is open. Come on in." Jeff said that UFF wants
80 faculty to be comfortable going to a Chair to resolve a problem. Hudson said that there is nothing in the
81 CBA that prevents faculty from working with Chairs. Maddy said that we cannot legislate climate and
82 some faculty will never feel safe addressing problems with their Chairs, none the less, UFF has an
83 interest in creating an incentive for both sides to resolve concerns informally and at the lowest level.

126 David Steckler observed that it is in everyone's interest to resolve an issue within the first thirty (30)
127 days. He suggested that one option is to consider the use of an interlocutor to assist the parties in
128 resolving the issue before anything is filed. Maddy suggested extending the initial period of IR so that
129 the thirty (30) day deadline does not pressure faculty to file. Maddy said that UFF has some interest in
130 fleshing out a pre-IR process that would give people enough time to think about the event in question
131 and consider options. Steve expressed concern if the dispute is not related to a provision of the CBA.
132 David Steckler said that the current IR process encourages UFF to focus on preserving rights rather than
133 resolving the issue because of the deadlines and that is creating a problem.

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135 The next meeting is scheduled for Friday, January 20, 2012 from 1:30 – 4:00.

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137 The Management team will facilitate the January 20th meeting.