

1 Bargaining Team Meeting Notes

2 October 18, 2011

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4 Participants: Darlene Andert, Tony Barringer, Steve Belcher, Lucero Carvajal, Lois Christensen, Ines
5 Delgado-Alberto (observer), Beth Elliott, Joan Glacken, Maddy Isaacs, Kathy Miller (note taker), Hudson
6 Rogers, David Vazquez (facilitator), Jim Wohlpart

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8 Meeting notes of October 12 were revised and approved as amended. There were no substantive
9 changes.

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11 A question was raised about whether the bargaining meetings are noticed in the correct place on the
12 Provost's web page. Steve indicated that he will review and ensure that the notices are organized under
13 the correct header dates. He said that he could arrange to place the dates higher up on the webpage so
14 that they could be more readily seen. Maddy noted that UFF still has an issue with the September 26
15 meeting noticed as full book bargaining and suggested adding a note that it was not a bargaining
16 meeting. Steve said that he will take a look at it.

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18 David Vazquez asked if we agreed to look at the brainstorm items on the list reflected in the notes from
19 the last meeting. Beth said that she thought that the ball was in management's court to look at what
20 was suggested and come back with a response today. Steve said the management team had placed the
21 brainstorm items from the notes into a spreadsheet and he distribute the sheet to the Team. He asked
22 if we wanted to discuss the sheet in light of a question Jim raised at the last meeting, namely do any of
23 the items from the brainstorming list fall under the CBA? Steve said that we were open on Article 23 as
24 previously stated. He said that a number of the items on the list do not relate to Article 23 and might be
25 more appropriately addressed in other venues. He said, that for example, parking-related ideas might
26 be raised in the campus committee on parking.

27

28 Maddy said that she agreed that not all the items are related to Article 23. She noted that if we referred
29 the item of parking to the parking committee we would be asking them to address something that
30 should be bargained at the table. Steve said that he was suggesting that bargaining is open on Article 23
31 and from the management's perspective other issues outside of Article 23 should not be bargained. He
32 said that the IBB Team had been involved in brainstorming but the items on the list do not pertain to
33 Article 23 which is the article under discussion. Hudson agreed, indicating that we were meeting only to
34 revise the CBA language in Article 23.4 of the 2011-2014 CBA because the parties had previously agreed
35 that there would be no raise for 2011-2012.

36

37 Maddy suggested that the management perspective seemed to ignore the full context of bargaining
38 created by management's premature announcement that there would be a 2011-2012 raise. She said
39 that there is a broader context and the UFF had asked for brainstorming. She said that the
40 brainstorming was the first time she heard of management's willingness to consider anything. She said
41 that if the brainstorming was done without providing consideration or if it was just an exercise and not
42 really bargaining, that would be problematic. Maddy reminded the team that we could open other

43 issues by mutual agreement and that the bonus implementation letter we agreed to at the table, for
44 example, was not part of the contract. Maddy said she was troubled by what sounded like a refusal to
45 bargain in good faith.

46
47 A question was raised about the Union's expectations when we came to the table today. Beth
48 responded that they (UFF) expected management to have considered the list of items and returned to
49 the table with information about them. Darlene said we could consider parking to be a base salary
50 adjustment and have it fit under Article 23. Beth said that the expectation was that management would
51 take the time to look into the issues raised by the items on the list. She said that she expected the
52 Management Team to say "here's what we have done."

53
54 Steve said management has reviewed the list and noted that there is a cost associated with some of the
55 items. He said that some of the items are subject to different areas for discussion and others are not
56 related to bargaining. He said there are items in which we share a common interest as a University
57 community. We have common interests in helping faculty with research and in faculty development. He
58 noted that there are items on the list that are already being strongly supported by Academic Affairs such
59 as the Seldin workshops and TLAI (Teaching, Learning, and Assessment Initiative). He said that he is
60 aware that the Provost is interested in doing more in the interest of faculty development. He said that
61 these are areas where we share a common interest in student learning, improving, and retooling, but
62 not to add as a part of bargaining and certainly not as part of Article 23.4. He said that the items raised
63 should be discussed in the appropriate venues as they are not subject to Article 23.

64
65 Steve said that he disagreed that management was not engaged in good faith bargaining. He said that
66 management team has looked at and discussed the items on the list and previously indicated that we
67 share common interest on some of those. He observed that this was the fourth day of bargaining and
68 that the payroll staff had worked extremely hard to assist us in getting the bonuses out all in good faith
69 and at very short notice. He said that David Vazquez had spoken to the group by phone and discussed
70 the limitations of providing the raise earlier. He said that management has reflected on its missteps in
71 the bargaining process and there were e-mails sent out by the Provost and the President and he does
72 not expect those missteps to happen again. He reminded the group that there are things to be done
73 before a raise can be implemented. He noted that there is a clock ticking and we need to come to a
74 place where there is an agreement. He said that there is an acknowledgement that there are some
75 things that can be done via bargaining and some lie outside of bargaining. Steve said that during
76 brainstorming he suggested having a faculty lounge but he does not believe that is an appropriate topic
77 for bargaining even though he can acknowledge that a faculty lounge exists at other schools.

78
79 Beth said that not everything we agree to at the table is part of the contract. She said that the intent of
80 brainstorming was to get something done. She said that she heard that it is about money. She stated
81 that UFF asked for the proposed raise to be provided on December 1, 2011 and heard "no." She said
82 that something else could be provided, like the restoration of additional faculty development money in
83 the Faculty Senate as faculty are getting less money. She said that the thing, from the brainstorming
84 that is most important to UFF is the restoration of professional development funding. Travel is more

85 expensive so it would be good for the UFF to go back and state that we worked to improve faculty
86 working conditions and that does not necessarily need to be in the contract. She also observed that UFF
87 also wants to close out the bargaining session.

88

89 Jim said that management shares many of the same interests and the Provost has worked to improve
90 the funds in the Senate even in hard economic times. He said that he feels that there are other
91 appropriate venues for discussion of the items such as Faculty Senate discussing professional
92 development funding with the Provost. Hudson reminded the group that Article 21.2 notes that
93 professional development funding is soft money and the amount will vary. He said that Academic
94 Affairs has already supplemented the funding to make up for losses sustained by the Foundation and he
95 is aware that the Provost usually discusses this with the Senate leadership. Jim said that the
96 professional development funding should be discussed in the Faculty Senate.

97

98 It was observed that the Union was saying that it wants something to bring to its members beyond the
99 2% raise that has been announced. Hudson said that management is not able to accede to what has
100 been requested.

101

102 It was noted that in IBB issues can arise that are not part of bargaining but they can be discussed
103 separately and may be handled with a MOU. Hudson said that management is not willing to bring
104 permissive subjects of bargaining to the table especially since this was about Article 23.4. Steve
105 suggested that might be good to discuss mandatory and permissive issues for bargaining so that
106 everyone understands Hudson's reference to permissive subjects of bargaining. He said that the 2%
107 salary increase is to be effective on January 1, 2011 and that is the proposal that has been placed on the
108 table.

109

110 Hudson said he did not know whether UFF had responded to the 2% raise proposal. He reminded
111 everyone at the table that we were bargaining to change the ratified 2011-12 Agreement that has
112 language which states that there would be no bonus or salary increase. He suggested that perhaps there
113 were different perceptions of what we have mutually agreed to open as he was not aware of a mutual
114 agreement to open anything other than Article 23.4. He said that absent any mutual agreement to open
115 anything else he was not in a position to support any of the items on the list, though we was speaking
116 only for himself and not for other members of the management team.

117

118 UFF requested a caucus.

119

120 When the group reconvened, Maddy said that the team only engaged in IBB and problem solving as long
121 as it helped management with its ULP (Unfair Labor Practice) problem. She said that with the ULP off
122 the table and now that the UFF needs to resolve a problem, the management team is no longer
123 interested in using IBB and is now using positional bargaining. Maddy said that IBB is code for the UFF to
124 help the University solve its problems and management will be positional when it is time to solve UFF
125 problems. Maddy said she would have preferred to hear that we do not have the \$45,000 to pay the
126 raise on December 1, 2011 rather than to hear that it is not a priority. She said that the UFF will have to

127 talk about IBB or positional bargaining as they had great hopes for getting something more with the
128 items raised but those have been shot down piece by piece. She said that management was choosing
129 not to help out the UFF and is not interested in providing an additional \$45,000 to pay the raise one
130 month earlier. She said that the UFF was willing to accept the proposed 2% raise and move forward
131 with the ratification process. She said that this has been IBB for only one side and that is not IBB.
132

133 Steve said as a Team we can talk about IBB. He said that we have a meeting scheduled on November 10,
134 and had originally set that as an IBB training date. Management is open to talking about IBB as a process
135 and suggests we use the November 10 meeting for that purpose. He observed that as part of IBB a
136 combined approach might also be considered. He said that his recollection was that during the IBB
137 training the Team noted that it was possible to use IBB until we reached a point where either or both
138 sides felt that it would be preferable to move to positional bargaining on a given subject. He said that
139 IBB has worked for both of us before and may still be helpful to both sides.
140

141 Steve said that he would like to acknowledge UFF's views and asked if we were ready to discuss
142 language. He said that he was saddened with how we got here especially since we have the 2012-2013
143 agreement to bargain. He asked what the Team wanted to do about a joint announcement.
144

145 Maddy asked the team to remember that UFF does not want to hear about good faith bargaining. She
146 said that the UFF wants to experience it and have not had a good start. Steve asked what the UFF
147 wanted to do about language. Maddy responded, what do you propose, as we are clearly positional at
148 this point.
149

150 The following language placed on the board was approved ("thumbs up") by the Team.
151

152 Article 22.4

153 B. Base Salary Adjustment. Effective January 1, 2012 the University shall provide all eligible
154 employees a 2011-2012 across-the-board base salary increase equal to two percent (2%) of the
155 employee's December 31, 2011 base salary.
156

157 Darlene said that she would hate to see IBB lost. She asked if the salary increase could be provided on
158 December 15. Steve indicated that the management Team had fully vetted all options and was not able
159 to provide the raise earlier than January 1, 2012. Darlene said that she appreciated the candor.
160

161 After the TA (Tentative Agreement) Steve asked if we wanted to issue a joint statement. He said that he
162 will also contact Susan Evans to find out more about how this will proceed to the BOT.
163

164 Maddy said that she will need to talk to the UFF Team to see if they want to do a joint statement or if
165 they will do it separately. Maddy said that she has to bring this back to their Team and does not know
166 what approach they will decide on using. Steve said that he will wait to hear from Maddy about an
167 announcement of this agreement.
168

169 Maddy said that she will take the suggestion about using November 10 for training back to the Union for
170 discussion. She said that there are four (4) articles to be re-opened. Beyond the November 10, 2011
171 (9:30 a.m. - 2:30 p.m.) meeting, additional meeting dates were established as follows:

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173 Tuesday November 15, 1:00 p.m. - 4:00 p.m.

174 Monday November 28, 9:00 a.m. – 11:00 a.m.

175 Thursday December 1, 1:00 p.m. – 4:00 p.m.

176

177 Next Meeting will be facilitated by UFF.

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179 Meeting adjourned at 3:05 p.m.