

LOCAL 1796
At
William Paterson University of New Jersey
General and Executive/Local Council Meeting

Date: October 21, 2008
Location: UC 171
Time: 12:30 pm – 1:45 pm

Present: S. Tardi, C. Williams, J. Pinkston, E. Matthews, S. Selke, F. Pavese, R. Wolk, L. Mbogoni, G. Pope, M. Williams, K. Martin, K. Asada, J. Carter, J. Najarian, M. Turkish, S. Alon, R. Soto, L. Gazzillo Diaz, J. Cho, E. Martinez, D. Fengya, T. Neman, K. Louie, M. Thompson, A. Montare, K. McNeal, G. Furst, A. Holpp Scala, R. Kearney, E. Phadia, K.H. Kim, A. Cheo, S. Rienstra, J. Heavey, D. Catarina, M. Giorgio

Items distributed to the Council and General Membership:

- 1) September 16, 2008 General and Executive/Local Council Meeting
- 2) 2008-2009 General Meeting Attendance Sheet
- 3) Promotional Opportunities 2008-2009 Academic Year

1. Call to Order

The meeting was called to order at 12:38 pm.

2. Adoption of the Agenda

A motion to approve the agenda was made by A. Montare, and seconded by L. Gazzillo Diaz. Approved unanimously.

3. Approval of Minutes of the September 16, 2008 General Membership and Executive/Local Council Meeting

A motion to approve the minutes was made by A. Montare and seconded by D. Caterina. Approved unanimously.

4. Announcements

Tardi announced that our Local is hosting a special pension information session on Thursday, 11/13. Vince Baldassano and another pension expert will attend.

FYI -- Tardi stated that President Speert was given a \$30,000 salary increase at the last Board of Trustees' meeting.

5. Financial Investment Update

Tardi introduced Vince Baldassano of Oppenheimer who updated the Membership on our Local's investments.

6. Presidential Campaign Discussion

Tardi noted that as previously agreed, the campaign discussion would be limited to 10 minutes, and if more time is necessary, the discussion will continued after the other agenda items are covered. She also noted that as per Robert's Rules, everyone would be allowed to speak only once until after everyone who wanted to speak had a chance to be heard. She also made it clear that the opinions expressed do not necessarily represent the feelings of the Local. Tardi explained that due to University regulations, no campaign material can be distributed at a Union meeting, and the Union Leadership confirmed this with John McAusland, the Union attorney. Pavese said that Kevin McGovern, the Council attorney, disagreed with that decision. Tardi noted that the information was provided by Council; it was an email from Steve Young rather than one from the attorney. Tardi stated that after John Polding sent the memo regarding political campaigns to the University community, Chriss Williams specifically checked with the Union attorney and was told both verbally and in a written communication, that we should not distribute political campaign information at a Union meeting held at the University. Williams added that there is money available in the COPE fund that can be used to distribute that type of information.

Comments from the Membership:

Pavese stated that he feels it is good to discuss the campaign, and he hopes everyone from both sides will feel free to state their feelings. He added that in his opinion, Barack Obama is the candidate who is most supportive of the things that impact teachers and education. A member stated that she spoke to Steve Hahn and was told that we can talk about the presidential election in class. She said she is pleased that the students are excited about the election and that a mock debate in one of her classes was very successful. She also commended the American Democracy Project's efforts to register students to vote. A member stated that she wanted to clarify that the mailings sent by the Council are paid for with COPE funds and that no member dues go toward political endorsement. Tardi said her objection with the Council mailings is that our Local was not asked to take a position nor did we have any input. She said that Frank Pavese, the COPE Officer, could have used COPE funds to distribute information since no member funds can be used. Pavese said he has been trying to give members the opportunity to discuss the subject but he has been silenced, and if it weren't for him, the subject would not have been discussed today. Tardi stated that any member has a right put any item on the agenda at anytime, and no one has ever been silenced. Tardi said she asked people who are very politically involved what helps the most with campaigns and she was told that it is most important to "put your money where your mouth is" by funding actions such as phone-a-thons and political walks rather than having a last minute discussion. Tardi stated that any public political action representing the Local must be decided upon by the Membership because the Executive Board takes the lead from the Membership. A member asked if the Membership has the right to vote on how COPE funds are used. Tardi said the COPE Committee makes the recommendations and then brings them to the Membership. She noted that the COPE Committee has not yet been convened by the COPE Officer. Tardi noted that our Union typically supports local leaders who support higher education. Pavese stated that if the Membership is aware that COPE or the AFT

are endorsing a candidate yet no one voices their opinion, their silence is equal to giving an okay. Tardi stated silence is not agreement; it is merely silence. Tardi further emphasized that political stances are not simply a matter of silence because we vote in this Union. A member stated that when the council endorses a candidate, surveys are administered to gauge people's support for the issues and perhaps the Council should make the information public. Tardi said she would support that. A member stated that she is not clear on what we could have or should have responded to as far as the campaign is concerned. Tardi noted that this issue was brought up two meetings ago. The COPE Officer is in charge, and the COPE Committee is supposed to make recommendations. Tardi said this process did not take place in our Local or at the Council. Pavese stated that he spoke to Tardi about this matter in September and was told that bringing up the matter at the General Meeting would be too divisive and he was given a gag order. Tardi responded that no one put a gag order on Pavese and that the other members of the Executive Board could attest to that fact. She clarified that Pavese wanted to have a vote for our Local's support of a Presidential candidate at the September meeting which would have constituted a violation of our past practice on this type of issue. Political issues that require the Local to take a public stance must be presented at our General and Executive Local Board meeting, brought back to the departments of the Union representatives, and then voted on at the next General meeting. Leadership and Membership voted on and approved the process when the issue to pay for a bus to protest the war in Iraq was raised (note – 2-3 years back). Linda Gazzillo Diaz was timing the discussion and stated that the ten minute limit was up. A member stated that she agreed with the Union President that this discussion does not represent action and she thinks it is important to move on and discuss promotions, range adjustments, and other important business.

Gazzillo Diaz made a motion to move the agenda. The motion was seconded by Wolk and approved unanimously.

7. Promotional Opportunities

Tardi reported that the Union Leadership was able to secure good range adjustment numbers, especially in light of the difficult financial times. She indicated that the Professional Staff received six, not seven as indicated on the handout. Tardi explained the process, stating that the Union Leadership meets with the administration and presents an argument for the number of positions to be awarded. The administration looks at the number of people who are eligible and the number who applied the previous year. Tardi said last year's range adjustment applicant pool was so small (four people applied at the associate level and three were awarded), that it makes it difficult to justify asking for more. Tardi said she knows of two individuals who were awarded the promotions two years ago and then they left the University. She said she told the president that those two promotions were essentially stolen and she thinks they should be given back because it's not fair that individuals who are invested in the University and plan to stay were turned down. A member asked if Tardi can divulge the names of the individuals who left. Tardi declined, saying that it is best to make general statements rather than use people's names. A member questioned if anyone knows they left. Tardi said no one knew they were planning to leave before they were granted the promotions; the individuals used the promotions as a bargaining chip to advance themselves. A member commented that she

served on the Promotion Committee last year and there were many excellent applicants. Tardi stated that most applicants not only meet the criteria, but they exceed it. Tardi said she believes that once an individual is tenured, he or she should receive an automatic promotion. A member stated that she knows from experience how difficult it is to sit at the table with the administration and negotiate. She commended the Executive Board for their work.

Tardi stated that an individual has the right to apply simultaneously for a range adjustment and promotion as long as they are eligible, submit two separate folders, and meet the deadlines. If the promotion is awarded, the person can remove themselves from the range adjustment pool. She also said that those who are awarded a promotion cannot apply again with the same portfolio, but those who are awarded a range adjustment are allowed to use the same portfolio. Tardi said individuals who want the most amount of money over the course of their career should apply for a range adjustment as soon as possible and then apply for the promotion. Those who feel seniority is more important should apply for the promotion first and then wait four years for the range adjustment. A member questioned whether the requirements are the same for both promotional opportunities. Tardi responded that they are not the same because for a range adjustment, excelling in teaching is a requirement and you must excel in one other area of choice: either scholarship or service. A member commented that you can go for more than one range adjustment in your career, but you should apply early to make the most money. A member commented that when she served on the committee, the committee was told not to consider whether or not the person had received a prior range adjustment. Tardi responded that according to the policy that is true, however, if two candidates are equal and one has never received anything, it would be equitable to give it to the person who had not received anything in the past. This is a committee or individual decision; it's not specified in policy. She urged members who are going to serve on the committee to be fair. A member stated that once an individual receives a promotion, he or she should start gathering information all over again because the slate is wiped clear and a faculty member cannot be judged on what he or she did prior to the promotion. Tardi stated the reason the President would not change the policy to allow a candidate to use the same portfolio for a range adjustment after a receiving a promotion is because he believes the promotion is related more to your career. A member stated that you can apply for another range adjustment after four years as long as you are stellar in your position over the next four years. Tardi stated that those who are planning to apply should encourage individuals with whom they have worked and who have integrity to serve on the committee. She also reminded the Membership that while serving on any committee with a Union observer or representative, any problems should be reported to the Union Leadership immediately. A member asked if there is any possibility that there can be term limits for faculty members who serve on these committees. Tardi said the Union advocated for staggered terms because it is very dangerous when there are people with no experience on the committee. A member stated that an email from Steve Hahn indicated that there is a limited quantity of material that can be submitted for promotion. Tardi responded that he cannot limit the amount of material that someone chooses to submit. She further emphasized that selecting candidates to be awarded is very difficult because there are a lot of deserving people, and most people who apply are honest and hard-

working. Tardi noted that although there is an advantage to knowing someone on the committee, it is not a shoe-in, and she has never said it was and she is not saying it is now. Matthews stated that during the negotiations meeting, there was a discussion about the possibility of granting individuals an automatic promotion when they are tenured. The President asked why the Union did not bring up that idea during State-wide negotiations. Tardi responded that the Union knows that the State would not support this idea. Tardi asked the President if he would consider making that a Local agreement and he refused. Tardi reminded the members to apply for a promotion in their tenure year.

8. Negotiations Update

Tardi gave an update on negotiations for Guerrieri who was absent due to health reasons. Tardi stated that Williams and Guerrieri now constitute the Union negotiations team. The lack of timeliness with which negotiation items have been addressed necessitated this change. Tardi's key roles regarding negotiations are strategic planning and negotiations involving President Speert. Tardi said the issue regarding compensation for the Assessment Coordinators is ongoing. One problem is that the duties of the Assessment Coordinators vary widely from department to department. The Union is working to get uniformity in the duties in order to assess compensation for that title. Tardi explained that well over a year ago, Linda Gazzillo Diaz put forth a study on Assessment Coordinators to determine exactly what they do and how they are compensated. She presented the information to the administration in a detailed Excel document. The administration was not willing to agree on compensation and stated that they would provide their own study. Tardi said that after a year and a half, the Provost finally submitted his "study" which was a piece of paper with limited data on it, and that made it clear that the administration was not negotiating in good faith. Tardi expressed her displeasure at the tremendous amount of time that has been wasted on this matter, and she stated that the Union leadership has contacted the attorney about filing an unfair labor practice (ULP) for failing to negotiate in good faith. The "study" was probably put together fifteen minutes before the negotiations meeting began. Furthermore, after a year and a half of negotiations on this issue, the Provost stated that this was not negotiable; it is a duty and responsibility of the faculty.

9. Grievances Update

Tardi said both the President and the Provost encouraged her to file a grievance over what occurred on the sabbatical committee, but now they are saying there is no problem. She said they now want to award next year's pool instead of this year's pool that was treated unfairly. Tardi questioned if the Provost understands what the term "equity" means. Tardi noted that she had a recent discussion with the Governor and he mentioned that our Local must have good labor management relations because we file so few grievances. Tardi said it is very frustrating because our Union Leadership will be close to reaching an agreement on negotiation issues, and the administration will stop and say they have to consult with the President's Cabinet. This leads back to square one. Tardi said that in the case with the Assessment Coordinators, after they saw Linda's document that clearly demonstrated the inequity, they went back to the deans and the deans took some of the compensation away. Tardi said she does not want to draw an ultimatum unless she knows the Membership is behind her, but she feels the administration is taking

advantage of us now. She said she understands that members do not expect to receive payment for everything single thing they do, but assessment responsibilities are overwhelming. Tardi said that once the Union Leadership gets a recommendation from the attorney regarding the ULP, she might come before the Membership and ask that no one participates in assessment until the matter is settled. A member stated that he served as Assessment Coordinator for his department last semester, and he found that the job is not defined and people do not know exactly what work they're supposed to be doing. Tardi said that is a good point and we will try to address that in the negotiations process.

A member noted that some chairpersons are new and unaware that the Union recently (2007) negotiated an agreement regarding adjunct faculty evaluations. Tardi stated that another member also expressed concern over this issue. She said that she would have the Union secretary send a copy of the agreement to all faculty.

Tardi stated that the work of the Assessment Coordinators varies from college to college. She stated that she told the Dean of Science and Health that there is inequity. The dean investigated by asking the department chairs who are members of our bargaining unit and have no right to negotiate for us. Tardi said that if they do not want to compensate people, they should get the administrators to do the job. Tardi stated that it is not fair when one dean provides compensation and another does not, nor is it fair that when the dean providing the compensation removes it.

Tardi said the matter with the sabbatical committee is ongoing and the next step is to go to a hearing in front of an administrative law judge because the negotiations stalled when the Union identified the inequity. The Union Leadership is also working on another issue involving a member whom the administration believes held two fulltime jobs at the same time. Tardi said they are trying to exact a punishment that is excessive, and at the suggestion of the Executive Board, the member has consulted with our attorney (the fee was less than \$200). If more consultation with the attorney is required, the Membership can vote on whether or not to authorize further funding. A member asked if the person completed an outside employment form. Tardi said the person did update the form to include the job in question. She said that ART is also involved, and the administration wants to get \$21,000 back from this person, in addition to two months suspension without pay.

Tardi stated that individuals the president intends not to retain should be getting a letter shortly. She urged colleagues who receive such a letter to contact the Union Leadership for guidance. She noted that based on the financial outlook of the State, it is obvious that the University will be facing more cuts next year. A member commented that *The Star Ledger* has been reporting that New Jersey will cut \$500 million from the State budget next year. Tardi said the governor recently called for an additional 5% cut, but it is not from education. Tardi noted that higher education has the largest percentage of discretionary funds and that's why she supports top-down accountability. A member asked where a person can find out more details about ethics. Tardi said to go to Human Resources where the policy is specified, and direct any questions directly to John Polding. Tardi said she does not like the fact that members must report volunteer

activities, but the ethics commission ruled that volunteer work must be included. A member stated that she has strong feelings about privacy.

Tardi said the President will notify tenure candidates on 11/3 and 11/10 is the final day to request an in-person interview. The final outcome will be announced on 11/24. Tardi asked the department representatives to please encourage members of their departments to notify the Union of any issues or concerns.

10. Adjournment

A motion to adjourn made by A. Montare and seconded by G. Pope. Approved unanimously. The meeting adjourned at 1:50 pm.

Respectfully submitted,

Jan Pinkston,
Recording Secretary
[Edited:]