Journal of Collective Bargaining in the Academy

Volume 0 *NCSCBHEP Proceedings 2006* Article 14

April 2006

"The One Best Bargaining Unit?"

Joe Berry
Roosevelt University and University of Illinois

Follow this and additional works at: https://thekeep.eiu.edu/jcba

Recommended Citation
Berry, Joe (2006) ""The One Best Bargaining Unit?"," *Journal of Collective Bargaining in the Academy*: Vol. 0, Article 14.
DOI: https://doi.org/10.58188/1941-8043.1033
Available at: https://thekeep.eiu.edu/jcba/vol0/iss1/14

This Proceedings Material is brought to you for free and open access by the Journals at The Keep. It has been accepted for inclusion in Journal of Collective Bargaining in the Academy by an authorized editor of The Keep. For more information, please contact tabruns@eiu.edu.

Joe Berry, U of IL Chicago labor Education Program

For Bargaining Conference 4/06

April 4, 2006

"The One Best Bargaining Unit?"

In thinking about how I best could contribute to a discussion titled, "Contingent Faculty: Bargaining Unit Equity, Separate but Equal?" I decided to open a discussion on the composition of bargaining units themselves, and their impact upon conditions for contingent faculty. This issue has been a matter of substantial discussion in the Chicago area recently, as over a dozen new bargaining units have been created since 1998; I personally have been involved in a number of these. To simplify the variables for discussion, let me pose the question in two parts: Firstly, whether contingent faculty are better off in a bargaining unit including full-time tenure track faculty; and secondly, whether full-time tenure track faculty are better off in a combined unit. The second question has to do with the impact of bargaining units that cover only a portion, often a minority, of contingent faculty themselves, as is common in Illinois and in many other places in the country. This issue of faculty inclusiveness within the structural bargaining unit is important not just for us contingents, but also for the overall unity of faculty. Such unity provides the main force of resistance to the corporatization of higher education, and forwards the transformation of higher education into a more effective public good, especially for the working class majority.

In the Chicago area, and Illinois generally, there is not a single bargaining unit that includes both full-time tenure-track (FTTT) and all other contingent faculty of any institution. There are two units that include the FTTT and a large portion, varying by workload, of the contingents. All of the rest of the bargaining units in Illinois are either contingent-only units or FTTT-only, with a few of the contingent units also including academic professionals. Even recent efforts by some local existing FTTT unions to organize the contingents on their campuses have proposed separate units, with only some offering common membership in the same local union. Many of the new bargaining units among contingents in the public sector are of a different union altogether, often NEA contingents and AFT full-time faculty in the community colleges.

Published by The Keep, 2006

A rough survey of the contracts covering contingent faculty in the United States indicates that the best contracts for contingents are in combined units with full-time tenure-track faculty, and that these are also some of the best contracts for the latter, both for economic and non-economic issues. A survey conducted by the Community College Council of the California Federation of Teachers looking at the contracts in the California Community Colleges, the largest higher education system in the United States, drew the same conclusion, according to their president, Marty Hittelman. While I have not, of course, read all the contingent faculty contracts in the country, much less seriously analyzed them or discussed them with people in those bargaining units, my strong impression is that these joint units produce some of the best contracts because they are comprehensive – wall to wall faculty. Unfortunately, these units also produce some of the worst contracts for contingent faculty -- contracts where the only thing that applies to contingents is the basic pay rate, which is also the overload rate for full-time tenure-track faculty. In general these joint bargaining units produce some of the best and also some of the worst contingent faculty contracts; these are likewise some of the most equitable between contingents and tenure-track faculty and some of the least equitable.

Contingent-only contracts, as are the vast majority in Illinois and in most of the country between the two coasts, seem to occupy the middle ground. None, to my knowledge, rise to the level of the ten best nationally measured in terms of equity, but none are in the worst cohort either. Why is this so?

Briefly, my argument is that the explanation boils down to two words: power and democracy. At the top of the spectrum are those unions that have managed to join the power of a combined bargaining unit with democratic functioning that granted real, full, equal rights, participation and leadership to contingents. These produce the best contracts, which have some common characteristics. First, they have the least discrepancy between the economic provisions relating to regular and contingent faculty – the pro rata percentage is the highest, and they tend to cut that purposefully over time. Second, the non-money items tend to apply to contingents as well as full-time tenure-track (with the exception of the tenure articles, though these contracts also have some of the best job security language for contingents as well). Whether office hours, access to professional development, offices, clerical support, public listing of names, notice of assignment, the best contracts tend to equalize upward, moving toward erasing the difference between faculty. It should hardly be surprising that these contracts, to my knowledge, are universally the

https://thekeep.eiu.edu/jcba/vol0/iss1/14
DOI: 10.58188/1941-8043.1033

products of bargaining teams and executive boards that include contingent faculty, although not in a percentage reflecting their numbers.

Those contingent-only units are inherently handicapped by being cut off from the power of their full-time tenure-track colleagues, with the partial exception of the few places where they are in the same local union. However, these contingent-only units and unions are in my experience good models of democratic functioning--as they have to be, to win the struggle of maintaining an organization of temporary faculty at all.

At the bottom of the spectrum we have those joint units where, despite their potential power, their full-time tenure-track leaders have chosen not to mobilize (or, in many cases, even recruit into union membership) the contingents they represent. Some are so far from democratic functioning that they refuse to reduce dues rates for those whose pay may be as little as twenty percent pro-rata of their full time tenure-track counterparts.

These bottom-tier units are only a half-step removed from what is unfortunately still the norm in higher education. Over 50% of bargaining units exclude contingents completely, or include only the most privileged minority, such as the full-time, long-term temporary or visiting faculty. While we may bemoan the fact that almost all recent organizing has separate bargaining units for contingents, the much greater weakness is that the organization of contingent faculty remains substantially less because full-time tenure-track bargaining units resist organizing their contingent colleagues. This takes place despite the fact that contingents are not constrained by the Yeshiva decision in the private non-profit sector. Is it therefore any wonder that the majority of contingent bargaining units affiliate not so much with the union of their choice than with whoever will have them? It is certainly *not* because they vote "no union" in certification elections. There is only one case of part-time contingents doing so in all of America's educational history.

My second general point is about partial units. It has been almost universal in my experience that employers press to have the least senior and the least-load part-timers excluded from bargaining units when organizing. That this should be true is hardly surprising, for these people are then a gift of low-wage flexibility to administrations that have come to count on it. The administrations have found allies in many state legislators, labor boards, and courts,

Published by The Keep, 2006

who have colluded to both draft and interpret collective bargaining laws so as to exclude large numbers of contingent campus and other workers from coverage.

Unfortunately, places like California, with universal bargaining rights, may well be the minority. This situation has now existed so long that, in much of the country, it is just assumed necessary; that first and second semester staff at least shouldn't be in the bargaining unit seems self-evident. Given studies showing that 50% of the turnover in contingent faculty takes place in the first or second year, by making this concession to the "obvious" unionists are ceding one of our potentially most powerful levers for changing staffing patterns in public higher education and lowering this huge turnover rate. As an example, there is not a single bargaining unit in Illinois where a part-time faculty member assigned to just one class at an institution is covered by a contract on the first day of work. When combined with the fact that many contingent units exclude non-credit or continuing-education instructors, it is easy to see how many of these units could effectively become minorities of the powerless.

Unfortunately, there are also forces within the unions that don't mind this situation, in spite of the fact that it deprives the union movement of potentially substantial additional power. One reason is that bringing this large number of people into the organizations, giving them a vote, changes their political complexion at statewide and local levels, if they share local unions with full-time tenure-track faculty. Organizing is always somewhat destabilizing to existing power relations, not just for the employer but inside the union involved as well.

I would suggest that faculty unionists should join with other public sector unionists and fight both to change our internal culture and amend collective bargaining laws so as to make the organization of all workers easier. As the number of contingent faculty and other workers increases, this hindrance will only grow more significant. It may be that these changes will only come with the growth of organizing pressure outside the traditional unions, for instance coalitions such as COCAL or other unions.

In conclusion, I will relate my only particular specific story with a name attached. This comes from the Chicago City Colleges. The City Colleges are seven community colleges serving the City of Chicago, a city of three million, but whose community colleges have now shrunk substantially due to course offering and counseling cutbacks and

https://thekeep.eiu.edu/jcba/vol0/iss1/14
DOI: 10.58188/1941-8043.1033

tuition increases. The inability of the faculty and staff to effectively block the progressive dismantling and privatization of the colleges stems largely from the way unionism has come to the City College faculty and staff. The good news is that finally the vast majority of the people teaching classes in the City Colleges have representation, twenty-five years after the enabling law was passed and almost forty years after the first group of faculty gained employer recognition of union representation, through heroic strike action. The bad news is that the faculty are cut up into three groups (full-time tenure-track credit, part-time temporary credit, and "part-time" temporary adult-education non-credit). Each group numbers under a thousand and is represented by three different local unions of three different national unions, organized in different decades and with very little history of joint communication, much less joint action. The extended education teachers are not yet organized. Even in this situation, and with the non-teaching staff also cut up into multiple unions, there are those in the leadership of every single one of these locals who are trying to press for a culture of solidarity and a pattern of coordinated and eventually joint action. They are trying, painfully, to learn the lessons of the past. We on a national level have the chance and responsibility to learn some of these lessons a little sooner.