

April 2006

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Recommended Citation

DiObilda, Nicholas (2006) "Negotiations Behind Negotiations: Reaching Out to Constituents," *Journal of Collective Bargaining in the Academy*: Vol. 0, Article 18.

DOI: <https://doi.org/10.58188/1941-8043.1037>

Available at: <https://thekeep.eiu.edu/jcba/vol0/iss1/18>

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National Center for the Study of Collective Bargaining in Higher Education
33rd Annual Conference
Hunter College
April 2 - 4, 2006
Negotiations Behind Negotiations:
Reaching Out to Constituents
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Campus administrators and union leaders are well aware of the numerous problems created by multiple years of funding shortfalls. But the general membership of a campus union, going about its business of teaching, researching, serving the community and happily collecting a paycheck every two weeks, may not be aware of the great effort needed to help the campus thrive and to negotiate agreements beneficial to them and to the campus. Overcoming its members' ignorance of higher education economics and bargaining is only part of the problem for the union. The other part is to convince a diverse membership, each with its own opinions, that the negotiated agreements are the best that can be written at the time.

Getting union members to ratify an agreement that does not contain everything they think they deserve requires: 1) preparation, including a candid analysis of current campus conditions; 2) the exercise of group leadership practices to involve members in the negotiations process; and 3) the adoption of open democratic processes leading to consensus.

Preparation: Current Campus Conditions

*Overcome diversity by narrowing identities:

Campus diversity often is viewed as a beneficial and desirable. But when ratifying agreements it can be a problem.

Imagine yourself as a member of more than one of these groups:

A woman	A retiree	Gay / Straight
A black person	A Middle Easterner	An Asian
A full time faculty member – any rank		A department chairperson
An adjunct professor		A librarian
An advisor or a counselor		A member of a college within a university
An academic department member		Politically Liberal / Conservative
A union leader		A union department representative
The leader of another campus union		Christian / Jew / Moslem / Hindu

Our local represents only about 1000 faculty, adjunct faculty, librarians and professional staff, but each person has numerous identities that wax and wane as those identities intersect with campus, regional, national and international issues. Those multiple identities also intersect with the agreements we try to negotiate. Unfortunately for union purposes, these multiple identities inhibit unity. However, the problems diversity may create also can be minimized, by union leaders' constantly emphasizing to their membership that only a few identities are important for negotiations.

For our union, identities reduce easily to the professional groups that make up our federation-- faculty, librarians, professional staff, and overlapping subgroups among them such as faculty and adjunct, or faculty and chairperson. Throughout negotiations, arguments based upon other identities are secondary, or dismissed entirely if the identity group has the responsibility or ability to deal with other issues. Responses to a member's argument could be: "That is a University Senate issue;" "That is a responsibility of the department and they will have to decide;" "We do not have the power to solve the problem of hunger in Africa here today (and what does it have to do with our proposal for adjunct faculty office space anyway?)" Consistently reminding the membership of their union identity allowed us to focus on our bargaining agenda and not see it hijacked by other special interest groups or influential individuals.

*Learn from previous mistakes:

As a former grievance chairperson, I was aware of the problems associated with previous agreements, especially those governing promotion and recontracting. I wanted to change those earlier agreements. When I became local president, that goal combined with the need to present an agenda for local action. I presented the plan for change to the union's elected executive board and got their approval, but immediately ran into strong opposition from members who favored the old agreements, and who found the proposals too radical a departure from the existing agreements. In addition, the proposed changes reduced the role of the University Senate; this led immediately to predictably strong opposition from the University Senate, which had a very strong and active role in the existing personnel reviews. The proposed changes never made it to the bargaining table. That failure taught two lessons:

1. Agreements like promotion and recontracting that affect members so deeply should not be too different from existing agreements. A new proposal should have enough recognizable elements to prevent the fear of change. If radical changes are needed, they should be introduced incrementally over a series of successor agreements
2. The groups most affected—in this case, the University Senate--need to be involved in formulating any substantial agreements, even though bargaining with the administration is a union responsibility.

*Learn from administrators' mistakes:

Before the new union leadership could reestablish a new bargaining agenda, New Jersey suffered another of its budget crises. Part of the Administration's response was to eliminate 15 unit members (7 permanent positions and 8 temporary full time grant funded positions- all professional staff.) Eliminating jobs was especially offensive because many considered it a transparent attempt to remove selected individuals from their jobs.

The campaign to keep those individuals employed by the university was bitter and destructive. However, the campaign and its aftermath made the membership more cohesive and compelled it to form stronger alliances with two other campus unions (CWA and IFPTE), the University Senate, friendly Board of Trustees members, sympathetic administration informants and local legislators. The campaign to save the jobs at issue taught the membership, half of whom were new employees, that it could successfully oppose the Administration. We also felt the campaign resulted in a relatively new Administration learning to become more sensitive to the concerns of employees and more willing to listen to them. Based on recent actions, it appears the Administration also concluded that destructive confrontation would deter progress on any issue and that it might be better to work cooperatively to achieve campus goals.

The strengthened alliance with the two other local campus unions and the University Senate became major factors in all subsequent negotiations. The relationship evolved into a powerful system of mutual support, leading to immediate help to restore the job cuts and joint political action with legislators and the governor. Subsequently, the alliance has proven helpful in purely local issues. For example, IFPTE won the right to bargain for tuition waivers for dependents in its statewide master contract. The issue was a

high priority for their local and for ours, but we did not have the right to negotiate it built into our master contract; instead we supported IFPTE's local demand. When our members constantly complained of no progress on our own demand for tuition benefits for dependents, we explained the situation to them and they accepted our cooperation with the other union. If the other union could make progress on this issue, our progress might follow. Similarly, a third campus union, CWA, wanted definitions of workloads and upgrading of certain positions. The professional staff members in our union had the same desire.

The mechanism for sharing information and planning responses was developed by the University Senate President. Initially her concern was to help restore job cuts and to avoid conflict. She proposed a work pattern in which the three campus union presidents and their vice-presidents would meet with the Senate President and Vice-President and the Student Government Association President to share and plan. The group would then meet with the University President for discussions and exchange of ideas, and continue meeting as needed to coordinate remarks to the Board of Trustees. This pattern evolved into monthly meetings, and has proven remarkably effective.

The benefits of such a system are enormous, and I have urged our sister locals at other state universities to adopt some form of this pattern. It does not give the other unions or the University Senate a seat at the bargaining table, but it does sit them at the sideboard. The positions they articulate at monthly planning meetings must be factored into bargaining positions. There is no substantial loss of independence or autonomy for any group. Sometimes we share identical views and can articulate them together. For example, all employees wanted tuition waiver for dependents. Other times, one or more groups may decide to maintain public silence.

Our experiences with that administration's mistake taught us two things:

1. Administrative mistakes that offend a large portion of the membership (in our case job cuts) makes the union more cohesive. Although administrators will always do things to anger unions, those issues can be used positively to unify the membership.
2. Form alliances with other unions on the campus. Share information with them. Cooperate whenever possible.

Group Leadership Practices to Involve Members

*Engage in strategic planning:

Eventually union attention returned to a bargaining agenda. To get started, we followed an abbreviated model for union strategic planning developed by Mark Richard of Miami Dade Community College (AFT):

- a. Schedule an all day strategic planning session at an off-campus facility suitable for a large group of people.
- b. Invite all members of the local executive board and general membership to attend (in our case about 30 members attended).
- c. Invite the retirees chapter to attend because they represent the voice of experience, are active in local affairs and in numerous ways can help the local achieve its goals.

Strategic planning resulted in a setting of priorities. Nine resulted in negotiable stances; the others were of union concern only. The bargaining priorities were:

Faculty Workload Adjustment	Maintain Parking Rights
Tuition Benefits For Dependents	Accurate Recording of Comp. Time
Academic Service Load Adjustment	Full Funding Sabbatical
Benefits for Chairpersons	
Adjunct Rights (Offices, storage, clerical and other help, evaluation, supplemental pay	
Promotion or upgrading of part-time faculty	

The list of priorities included something for every constituent subgroup of our local excepting librarians. (A few months later, the state satisfied librarians' foremost demands in the statewide master contract.) Importantly, the priorities were *not numbered*. They were presented to the membership as a group of priorities, with an explanation that we would get from the administration whatever we could.

The block of priorities was approved by local executive board, sent to the Bargaining Committee, and reported to the general membership. There were no objections because:

There was a demand for almost all of our constituent groups.

The demands were not presented as an ordered list.

The demands were general. Specific documents with specific language could be developed later.

The demands accurately reflected the desires of the membership.

Setting local priorities through a strategic planning process, with approval by the local executive board and written communication to the members, has proved to very helpful to our negotiating team. Developing an unordered set of priorities established a firm basis for negotiations and serves to focus the membership on the attainment of those demands. The bargaining team was compelled to focus on a limited number of issues, while the unordered list gave the team the flexibility to focus on the ones given priority by the administration. In addition, the approved list of priorities defended against dissident members' arguments that we ought to focus on issues of greater importance to them.

*Learn from negotiations for a master contract:

A clear list of local priorities also proved helpful for statewide negotiations on a master contract. Our local is one of nine state universities represented by a state council. The state council bargains a master contract with the State of New Jersey. Demands that could be attained in a statewide master contract would not need to be bargained locally and the local could simply turn its attention to contract enforcement. However, not achieving those demands in a master contract put the burden on local negotiators and necessitated additional work with the membership. We did fail to attain most of our priorities in a statewide master contract, but there were valuable lessons learned from those negotiations.

1. Because most of our local leadership group was inexperienced with such negotiations, we sent many local officers to the preliminary meetings and to the actual negotiations sessions. They learned to formulate proposals better, and used the sessions to polish arguments about our demands.
2. We watched as the state refused to present its counterproposals to such a large group of negotiators. They insisted that we appoint a smaller group that would meet on the side in another room. Side meetings had a very damaging effect on our unity. Even though we had complete faith and trust in our leaders who attended the side meetings, we could not

have firsthand knowledge of their conversations and demeanor. We only had a report of what was said and what our leaders thought was meant.

From this experience, we learned to open all local bargaining committee meetings and negotiation sessions to anyone wanting to attend. If a member was not part of the Bargaining Committee, that person could be temporarily “deputized” and allowed to attend. Additionally, we never allowed one-to-one bargaining meetings with the administration’s negotiators and never had any side meetings. The result was that there was widespread participation in our local negotiation process and an absence of the concern that some union officer could make a “deal” disenfranchising members.

3. We failed to attain most of our priorities at the statewide level because the state divided the various campuses by insisting that many issues were local matters and should be bargained accordingly. Some campuses already had what we wanted, and we already had what some of them wanted. Persistence on these issues at the state level was futile and potentially divisive for the state council. We learned that when it came to local negotiations, we must avoid cleaving the unit along the lines of specific demands. We had to maintain our strategy of presenting a block of priorities that included a demand of great importance to each of our constituent groups. Additionally, the benefits won by our sister locals could buttress arguments that our campus should have the same benefits.

After the statewide contract was ratified, surviving a bitter challenge by dissenters, the local took up the task of advancing its own bargaining agenda. Later we addressed several more local problems, and the bargaining fell into a common routine.

More Campus Conditions

So far I’ve described our general membership as a relatively diverse group of independent thinkers who are experts at something other than bargaining. They are relatively peaceful and go about their business in normal times. They will tolerate some inequalities among them. However, our membership becomes keenly attentive when problems arise or they think they absolutely must have something. They are

quite willing to become part of the discussion about how to make things better and are usually considerate of the coworkers' needs. This is a fairly good situation for a local union. When asked to do so, plenty of new and older faculty used every campus forum to influence the administration.

The first problem was that the more experienced union activists were older, retired faculty; the relatively new faculty who made up over half the unit were quite confident that logical arguments and recognition of their inherent talents and need for resources would compel the administration to support their demands. They had to be convinced that our demands were in competition with all the other demands on the university's resources and that firm and consistent pressure was necessary to get what they wanted.

Another problem was the attitude that someone else could get for us what we wanted. Members who held that opinion felt that the state council could somehow achieve our demands, or worse, that hired lawyers skilled in negotiations could prevail over the administration. The counterargument is based on AFT's giving its locals a great deal of autonomy; the expectation for local action accompanies that autonomy. Earlier I mentioned that the campaign to get job cuts restored was centered locally, and so was a learning experience about the need for local action. A reminder of the local's tradition provided another argument countering the desire to let someone else do the bargaining work. All the previous leaders had taken it upon themselves to solve problems and had negotiated many fine local agreements. The membership responded strongly to this argument, as it had first hand knowledge of the previous leaders and retirees who regularly attended union meetings and special events.

We had to become aware of the administration's position and the priorities it had. We were acutely aware of the perpetual shortfall of funding. But as three of our nine priorities had been superseded by terms of the statewide master contract, they were no longer viable. The master contract preserved the status quo and no change could be possible. Another three priorities had very minor or no cost. That left three demands that would require significant funding. After our own budget analysis we concluded the university could afford two of the three. The union's position was that the University could afford to fund our demands. Aware of the huge amount of new construction on campus and other great expenses incurred by the University, members rejected the "no funds" argument and viewed the problem as one of administrative spending priorities.

Its own goals created additional pressure on the administration. The administration had declared that it wanted to improve the perceived quality of the university and its faculty. Yet potential faculty declined employment because of the workload; those who accepted employment soon found themselves overburdened by trying to meet expectations for teaching, research and service. If relief in the workload could not be attained, the basis for tenure and promotion agreements would have to be reconsidered and renegotiated. We seemed to be at a competitive disadvantage with comparable universities, several in our own state council. The membership was vocal about this problem and looked to the union for action.

Finally, there were inequalities on campus. Some departments had a reduced teaching load ostensibly due to their need to be accredited by their national accrediting agencies; however, nearly all departments are subject to accrediting guidelines. Some department chairpersons got more assigned time for their jobs than others even though a local agreement had a formula for the amount of time allowed. Some offices had clear and accurate recordings of comp time for professional staff; others did not. Some adjunct faculty had all the rights and amenities of full time faculty; some did not. The administration was aware of these problems and seemed ready for change. Our local took the position that new agreements should solve these problems rather than use grievances. Our preference for negotiations left us with goals similar to those of the administration and a mutual disposition to negotiate rather than process grievances.

Open Democratic Processes To Reach Consensus

All the elements described above comprised the context for negotiations. Armed with a clear set of goals developed by the strategic planning process and a “do it ourselves attitude,” our Bargaining Committee began its work.

1. Bargaining committee meetings were open to all members. We invited knowledgeable unit members to participate in work sessions, especially when an agenda item concerned them. For example when a proposal for chairpersons was discussed, chairpersons were invited to the session. Open discussions eliminated the need to educate an influential person in the professional staff about the needs of the faculty and vice versa.
2. Meetings never had a single agenda item. Several proposals that affected different constituent groups were on the agenda. That caused every meeting to have wide

representation. Multiple agenda items and invitations assured attendance by about 10 union members for every meeting of the local Bargaining Committee.

3. Using a set of priorities developed in our strategic planning, the bargaining committee determined which specific elements it wanted in the agreements. For example, for proposals substituting research or service for some teaching, we wanted equal opportunities for all full time-and part-time faculty (but not adjunct faculty); peer review of research proposals; accountability; and voluntary participation in alternative work assignments.

The proposals incorporating these guidelines resembled the existing processes, making them recognizable to all and avoiding the previously discussed problem of radical change. The proposals also eliminated the onerous aspects of peer competition for research time and perceived inequalities across departments and colleges.

Voluntary participation in the program proved a major escape valve for internal union pressure to resist givebacks on other agreements regarding faculty workload. That is, faculty could voluntarily enter and exit a program of released time for research. A union proposal on assignment of faculty load for research did not require giving up anything to get something. However, a companion proposal from the administration about assignment of time for the performance of academic services could have led to a loss for advisors, chairpersons, program coordinators and other academic service assignments. Subsequently, there was a lot of dissent over giving up academic service load demands; fortunately, the first agreement, which allowed voluntary participation in the research time program, provided an escape valve for those who might lose service assignments. Another escape valve for dissenters was a clause protecting individuals for the duration of their appointments to academic service jobs and allowing free choice thereafter to continue service or to go into the research program. This short-term protection further relieved pressure caused by dissenters. Faculty who might lose a non-teaching assignment could use the research program as a fall-back position. Free choice became a theme for all of our proposals and it may have been a deciding factor for those who were ambivalent about changing the status quo.

Another significant factor leading to ratification may have been the openness of the proposed process. Peer participation and decision making, accurate record-keeping, and information sharing between

the administration and the union, assured skeptics that the agreements would be fair and any problems or inequalities could be corrected through grievances.

Finally, a major objection to an administrative proposal that might involve givebacks required the faculty to recommend the amount and type of compensation for certain non-teaching assignments. The objectors felt there should be a formula for compensating each task and the union should negotiate the formula. Our response was that older formulas proved inequitable and the union could not determine the amount of work involved in each job. Furthermore, it would be good for a new generation of faculty to engage in discussions with their employer to get firsthand knowledge of how their work is valued. Formulas also eliminate flexibility for everyone. Free choice and open reporting should be adequate safeguards against abuse and inequalities.

Armed with a set of priorities and a clear perception of the characteristics we wanted in the final agreements, we entered negotiations. Although the union considered our negotiable issues equal in importance, the administration took the lead in setting priorities. We cooperated for a variety of reasons--technical difficulties, intransigence of some of our negotiators on their issues, and the melding of some of our issues with other proposed agreements. As negotiations continued, we used a variety of ways to keep our members up to date and persuade them to ratify the agreements. These included:

- a. Disseminating our proposals on the union listserv so all members could see for themselves the documents we were proposing.
- b. Disseminating the agreements of our sister locals that had already obtained the items we wanted. This allowed our members to compare our proposals to what was achieved elsewhere in directly comparable institutions.
- c. Disseminating administration proposals on the listserv.
- d. Eliminating private negotiations between small groups and the administration.
- e. Eliminating private negotiations, side conversations or meetings between our negotiator or president and their negotiator and president to discuss proposals. However, the various union presidents, Senate President and University President shared information about the progress of negotiations and exchanged guiding concepts in meetings.

- f. Informing the University Senate at their meetings. The union president and negotiator appeared before the Senate to explain progress in negotiations and to seek its help in explaining the proposals to their constituents.
- g. Inviting participation in our bargaining meetings.
- h. Distributing hard copies of progress reports at every union executive and general membership meeting.
- i. Distributing hard copies of the final agreements prior to ratification.
- j. Distributing hard copies of a FAQ sheet about the agreements
- k. Scheduling open meetings to explain the proposed agreements and answer questions, listen to dissenters and present counterarguments described above.
- l. Emphatically rejecting all member or administrative proposals that would violate our guiding principles for the agreements.
- m. Staying focused on the issues by reminding members of the open and democratic process used to set priorities.
- n. Publicizing the time of the ratification votes.
- o. Conducting the ratification votes at a regular membership meeting, assuring that those most informed and interested would take the time and energy to attend a meeting to vote.

Conclusion:

The final vote overwhelmingly approved four agreements that we believe will change the pattern of work at the University. Two of those agreements provide work time for faculty to engage in intellectual pursuits or to provide service. The other two agreements provide modest cash resources to support research or professional improvement. Work continues on the other union priorities.

The agreements that were ratified are good for the union because:

- 1. All full-time and part-time faculty are included. The agreements provide an opportunity for all to share in what was once reserved for a few.

2. Participation in faculty reassigned time agreements is free choice. That is, individuals may enter or exit the program whenever they want to pursue a good idea or need to devote more attention to teaching. Alternate assignments for university service are also the choice of the individual.
3. Quality is assured because peer review is required to participate in the reduced teaching program or to get funding for a project.
4. Accountability is required by inclusion of a reporting system.
5. Equality of opportunity is protected because of the reporting system and sharing of information.

Initially, our negotiators thought the only payoff from these agreements would be improvements in the quality of research and service with a corresponding decrease in faculty anxiety about their workload. However, we are already seeing more energy directed to improving the curriculum, improving instruction and a greater willingness of individuals to participate in service to the University and the Union.