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Bargaining a Progressive Contract

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Bargaining a Progressive Contract

Paper Presented to

The National Center for the Study of Collective Bargaining
in Higher Education and the Professions

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Contract Background

- The strike of 2001
- Relations with state government
- Legacy of long-standing animosity between UH and UHPA over specific classes of issues--the spectre of “management rights.”
- Political and economic climate of Hawaii in the 1990’s and early 2000’s

A New University Administration

- New UH president, Evan Dohelle, in July 2001
- Professed support for faculty, including salary concerns. Notion of a “faculty-first” university
- Agreement on an agenda of “back issues,” including teaching load reform in CC’s; faculty paid family leave; addressing issues of long-term contract employees; health insurance for domestic partners-- 20 issues total
- The pattern of discussion as opposed to conventional bargaining
- Personal relationships among chief negotiators

1. Duration of Agreement
2. Appointment & Compensation of Department /Division/Unit Chairs
3. Department/Division/Unit By-Laws with respect to Tenure. Promotion, & Contract Renewal
4. DPC Procedures Related to Tenure and Promotion
5. Tenure & Promotion procedures
6. Hiring Continuing Non-Tenure Track into Probationary Position Vacancies
7. Access to Probationary Employment Status or Continuing Employment Rights for Non-Tenure Track Faculty
8. Multi-Year Contracts for Faculty members not eligible for tenure
9. Arbitration and Performance Judges
10. Sabbatical leaves
11. Paid Family leave
12. Tuition Waivers for Dependents & Domestic Partners of Faculty Members
13. Per Diem & Travel Reimbursements & Travel Grants
14. Community College Workload & Workload Description for non-instructional Faculty Members
15. Intellectual Property Rights, Distance learning & Technology mediated Instruction
16. Health Fund Premium Payments
17. Determination & use of Overload Payments, Overload Compensation, & Non-Credit Fee Schedule
18. Payroll & Calculation of the Annual Salary over 9 or 11 months.
19. Procedures & Funding for Special Salary adjustments
20. Salaries

The Salary Study

- Joint UH-UHPA agreement to fund external salary study
- Presentation of study to BOR
- UH decision to develop two-pronged approach: collective bargaining and one-time augmentation of UH base budget
- Place of these goals within UH Strategic Plan
- BOR approval of Plan and legislative budgetary strategy

Salary \$ difference from peer average by rank

	Prof	Assoc	Asst	All
CC	7,967	5,644	3041	11,329
Hilo	13,203	9,513	1,814	10,573
<u>Manoa</u>	17,0233	6,389	4,357	11,965
W Oahu	3,993	13,173	7,420	-553

Professed goal: Move UH salaries to 50th percentile by 2004 and 80th percentile by 2006
Total “make up” cost for all units=\$178

The Salary Study

- Joint UH-UHPA agreement to fund external salary study--JBL Associates, Inc
- Presentation of study to BOR
- UH decision to develop two-pronged approach: collective bargaining and one-time augmentation of UH base budget
- Place of these goals within UH Strategic Plan
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Enter A New Governor

- New governor elected in November 2002
- Replace three new positions on BOR
- Governor and UH President have their differences over electoral compartment
- Governor rejects base budget salary augmentation strategy
- Governor declares no new money for public employee unions in her first year

Finding Contract Agreements

- Working through the 20 items
- Prioritizing to meet long-standing needs
- Two cases of successful resolution
- Paid family leave: Issue, rationale, justification, resolution
- Providing job security for long-term employees not holding tenure-track positions

Reaction to Contract

- Generally favorable
- Push back on non-tenure track faculty
- Community College work load
- Two-stage agreement process
 - Stage one: agreement on language
 - Stage two: agreement on money
- Issue of long-term contract

Agreeing to Money in a Six Year Contract

- The unusual nature of a two-stage agreement
- UHPA's proposal
 - a) increase minimum salaries by rank and classification
 - b) provide 6% across the board
 - c) increase effective July 1 2003 (retroactive)
 - d) a special 4% adjustment to the base salaries of full professors (based on the significant deficits with peer institution salaries at this rank)
 - e) 12% increase over two years in the lecturer fee schedules

Settlement Provisions

- July 1 2003 1%
- July 1 2004 3%
- July 1 2005 2%
- July 1 2006 5% (1% to come from UH)
- July 1 2007 9% (3% to come from UH)
- July 1 2008 11% (3% to come from UH)
- The lecturer fee schedule was to be raised in even steps a total of 19% over the six-year term of the contract, as was the hourly non-credit rate (\$34 July 1 2008)

Was this a Progressive Contract?

Four criteria for assessing progressive nature of contract

- 1. Comportment of both sides led to productive talks without rancor
- 2. Shared salary study provided a consensual baseline from which eventual money issues could be derived
- 3. Demonstrable improvement of “lived-life” of faculty at all ten-campus
- 4. Invention of the two-stage contract proved a useful and perhaps necessary ad hoc device for getting both language changes and eventual money.