Bargaining a Progressive Contract

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**Recommended Citation**  
DOI: [https://doi.org/10.58188/1941-8043.1161](https://doi.org/10.58188/1941-8043.1161)  
Available at: [https://thekeep.eiu.edu/jcba/vol0/iss3/40](https://thekeep.eiu.edu/jcba/vol0/iss3/40)

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

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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
- BOR approval of Plan and legislative budgetary strategy
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 comportment
• 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-campuses
– 4. Invention of the two-stage contract proved a useful and perhaps necessary ad hoc device for getting both language changes and eventual money.