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Eastern Illinois University Board of Trustees

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Views from our Community: University Trustees

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PUBLIC SECTOR COLLECTIVE BARGAINING IN ILLINOIS

One would assume that Illinois would have a long history of allowing public sector collective bargaining rights since the private sector, especially industry, had significant union representation. That is not the case. Illinois was one of the last northern industrial states to pass enabling legislation that allowed public sector collective bargaining (CB). Illinois could have been the first state to authorize collective bargaining, but Republican Governor Dwight H. Green vetoed that legislation in 1945.

In 1967 Democratic Governor Otto Kerner appointed an Advisory Commission, popularly known as the “Wagner Commission,” that recommended public sector collective bargaining. The proposed legislation was passed in the State Senate but defeated in the House. Organized labor strongly opposed the bill due to the bill’s prohibition on strikes.

Repeated attempts to pass public sector collective bargaining rights failed primarily due to strong opposition from Chicago Democratic mayor Richard J. Daley. Other Democratic mayors that followed Daley into office, Michael A. Bandalic and Jane M. Byrne, were also opposed to public sector collective bargaining.

Not until the 1983 election of Harold Washington as the Mayor of Chicago was enabling legislation introduced. Besides Mayor Washington, major supporters of public sector collective bargaining were Republican Governor James Thompson, Democratic Speaker of the House Michael Madigan, and Democratic President of the Senate Philip Rock.

The primary author of the legislation introduced in 1983 was the Illinois AFL-CIO. As the Illinois Federation of Teachers and the Illinois Education Association represented the vast majority of members in the public education sector, they had a major voice in the drafting of legislation as well.

The legislation was introduced in the form of Senate Bill 536 and HB 1530. HB 1530 was passed without significant changes, but SB 536 was eventually amended, strengthening management rights. One of components of the bill prohibited part-time community college teachers from joining or organizing a CB unit.

Governor James Thompson signed HB 1530 on September 23, 1983, and on January 1, 1984, the Illinois Educational Labor Relations Act (IELRB) went into effect. The IELRB provides:

- the right for educational employees to organize and to choose freely their representatives;
- that educational employers must negotiate and bargain with employee organizations and enter into written agreements evidencing the result of such bargaining;
- procedures for the protection of the rights of the educational employee, the educational employer, and the public.¹

The impact of the Illinois Educational Labor Relations Act was immediate, with 13 new faculty collective bargaining units established within two years. The vast majority of those new units were at Illinois public community colleges. Prior to 1984 there were 28 CB units for full-time faculty in the public community colleges, and six of twelve universities had CB units for full-time faculty. All 48 of the public community colleges now have collective bargaining units for full-time faculty. Seven of the twelve public universities have collective bargaining units for full-time faculty.² As of 2006, 17 part-time faculty CB units have been elected at public community college after the removal of the language prohibiting part-time educational employees being organized at public community colleges.

ILLINOIS HIGHER EDUCATION GOVERNANCE: THE ILLINOIS BOARD OF HIGHER EDUCATION

The Board of Higher Education, created in 1961, is a planning and coordinating agency for all sectors of Illinois higher education. The sectors include public universities, public community colleges, private college and universities and proprietary institutions. The board's major statutory responsibilities include continually analyzing the aims, needs and requirements of Illinois higher education; making budget recommendations to the Governor and General Assembly for higher education operations, grants and capital improvements; approving proposals for new units of instruction for research and public service for public colleges and universities; approving operating and degree-granting authority for independent and out-of-state institutions; and administering designated state and federal grant programs, and other responsibilities specified by statute.

The board consists of 15 members, including ten members appointed for six-year terms, the respective chairs of the Illinois Community College Board and the Student Assistance Commission, a member of a public university governing board, a member of a private college or university board of trustees, and a student member selected by the recognized student advisory committee to the board. By recent legislation one of the appointed positions must be held by a faculty member of a public university.³

ILLINOIS HIGHER EDUCATION GOVERNANCE: THE ILLINOIS COMMUNITY COLLEGE BOARD

The Illinois Community College Board was created by legislation enacted in 1965.⁴ The board has statutory responsibility for planning and coordinating the programs and activities of the state's 39 community college districts. Illinois has the third-largest community college system in the nation. Each year approximately 1 million students attend Illinois community colleges in credit and non-credit programs. About 65% of all students in Illinois public higher education are enrolled in public community colleges.

Of the 39 public community college districts, 38 have locally-elected boards of trustees; City Colleges of Chicago has a board of trustees appointed by the Mayor of Chicago. The City Colleges of Chicago have seven regional campuses and one technical institute.

All districts have local taxing authority to provide local support for district operations. The budget for the public community college is presented to Board of Higher Education, and may be modified by the BHE before submission to the Governor and the General Assembly.

The Illinois Community College Board consists of eleven members appointed by the Governor and one student member selected annually by the recognized student advisory committee. Board members are appointed at large by the Governor, including a voting faculty member from a public community college. A locally elected trustee also has a position on the Board.

The Illinois Community College Board has no role in collective bargaining agreements with the exception of their own staff union.

A TALE OF TWO INSTITUTIONS: SOUTHWESTERN ILLINOIS COLLEGE AND EASTERN ILLINOIS UNIVERSITY

Southwestern Illinois College, with its main campus located in Belleville, was founded in 1946 as Belleville Junior College and was governed by the board of Belleville Township High School District 201. Since the high school faculty had previously

established a collective bargaining unit represented by the Illinois Federation of Teachers, the board granted the right of the Belleville Junior College faculty to collectively bargain as well.

The American Federation of Teachers has recognized this 1946 date as the historical starting point for what is now the Southwestern Illinois College Faculty Union. This 1946 date means that the faculty union is the oldest higher education faculty union in Illinois.

In 1966, Belleville Area College was founded as a separate college under the 1965 Public Community College Act. The first Board of Trustees was elected in December of 1966. The faculty held an election to choose an agent to represent them; on March 29, 1967, the board recognized the faculty as a collective bargaining unit. The faculty had voted overwhelmingly to be represented by the American Association of University Professors.⁵

Clark Byse, AAUP President, summarized the situation in Belleville by stating:

Thus did collective bargaining come to the AAUP – in Belleville, Illinois, without the knowledge, encouragement, or consent of the General Secretary, or the officers or Council of the AAUP. Indeed had a request been made to the General Secretary, I know not what the answer would have been.⁶

The national AAUP was left with a significant policy issue. Before the action of the AAUP chapter in Belleville, they had not formally addressed the issue of collective bargaining. The AAUP eventually adopted a statement on collective bargaining in 1973, which essentially acknowledged that collective bargaining is an effective instrument in achieving AAUP principles.⁷ Although the AAUP formally accepted the introduction of collective bargaining and the majority of the current AAUP membership resides in collective bargaining chapters, the local chapter is expected to be responsible for negotiating contracts.

The early history of the Belleville Area College Faculty Union was difficult, to say the least. Negotiations were contentious and punctuated by three short “strikes,” which were illegal for education employees in Illinois at the time. In 1980 the faculty was forced into a two-and-a-half week strike by the college president, who indicated he was going to “break the union.” He did succeed in stopping the strike by convincing the board to terminate all striking faculty unless they returned to work. The attorney representing the union convinced the leadership to return to work and continue the fight within.

One of the first actions of the faculty union was to vote to jointly affiliate with the American Federation of Teachers. This joint affiliation took place in 1981 with a fully integrated membership with representation of both the AAUP and the AFT.⁸ This made the Belleville Area College Faculty Union the first joint AAUP/AFT affiliate that included all bargaining unit members. The membership affiliation with the AFL-CIO, the AFT and the Illinois Federation of Teachers dramatically increased the resources available to the faculty union. When the Illinois Educational Labor Relations Act went into effect in 1984, the balance of power shifted dramatically. Although negotiations have been difficult at times, there has been no work stoppage since the 1984 Act; relations with the administration and Board of Trustees has definitely improved over time.

The major issues have shifted from internal concerns to external. One major issue facing Southwestern Illinois College is the reduction of financial support from the State of Illinois since Fiscal Year 2002. This has led to the formation of the Higher Education Legislative Coalition, which includes unions, administrators and trustees. The mission of the coalition is quite focused: appropriate funding for public higher education in Illinois. As more public institutions have adopted collective bargaining and boards and unions have undergone a collective maturation process, it becomes more likely that they will find ways to work together for their mutual benefit.

Eastern Illinois University, founded in 1895, is a regional master's degree institution located in Charleston. Eastern Illinois University is one of the twelve public universities in Illinois, and is a single-campus institution.

The governance structure for EIU from 1976 through 1996 was the Illinois Board of Governors. This board was responsible for Eastern Illinois University, Governors State University, Northeastern Illinois, Western Illinois University; Chicago State University, Sangamon State University, Illinois State University and Northern Illinois University were under the Board of Regents; the University of Illinois and Southern Illinois each had their own trustees.

In 1996 the Board of Governors and the Board of Regents were dissolved and replaced with individual university Boards of Trustees. The change in the governance structure was initiated by Governor Jim Edgar, an EIU graduate, and native of Charleston. The dissolving of the "system of systems" by legislation resulted in the formation of nine separate Boards of Trustees. The board members are appointed by the Governor and confirmed by the senate of the Illinois General Assembly.

The effective date of Eastern Illinois University Law was July 1, 1995, which established local boards of trustees.⁹ The Board consists of seven voting members, plus one voting member who is a student at EIU. The student member is elected by a campus-wide student election. Each trustee member must be a resident of Illinois. The term of office for an appointed trustee is six years, and no more than four members appointed by the Governor share political party affiliation.

The faculty collective bargaining unit at EIU is an AFT affiliate, the University Professionals of Illinois. The full-time faculty elected the UPI in 1976 and the non-tenured faculty voted to be represented by the UPI in 1985. In total, there are now twelve collective bargaining units at EIU represented by various unions. All collective bargaining agreements at EIU are negotiated by designated administrative staff in consultation with the Board. There has been no direct involvement of any of the trustees with the negotiating process.

Union ratified contracts are presented to the Board for final approval. This process is also followed at other state universities in Illinois. Neither the Illinois Board of Higher Education, the governor, nor the General Assembly have any direct role in contract negotiations with the university.

¹ Najita, Joyce M. and James L. Stern. Ed. Collective Bargaining in the Public Sector. Armonk, New York: M.E. Sharpe, 2001.

² Moriarity, Joan and Michelle Savarese. Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education. Hunter College: National Center for the Study of Collective Bargaining in Higher Education and the Professions, 2006.

³ White, Jesse, Ed. Illinois Blue Book 2005 – 2007. State of Illinois, 2007.

⁴ Illinois Public Community College Act with Additional Acts Affecting Districts. West Publishing Company, 2009.

⁵ Braasch, Marvin and Leo Welch Belleville Area College AAUP-AFT 1965 – 1996. (Unpublished Manuscript). 1996.

⁶ Hutcheson, Philo A. A Professional Professoriate. Nashville: Vanderbilt University Press. 2000.

⁷ American Association of University Professors Policy Documents and Reports, Ninth Edition. Baltimore: The Johns Hopkins University Press, 2001.

⁸ Lanter, Wayne. The Academic Factory: A Personal Narrative (Unpublished Manuscript). 2009.

⁹ Eastern Illinois University Law, 110 ILCS 665/10-1 et. seq.