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Negotiating over Job Security for contingent Faculty: the CFA experience

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Overview

- A brief history of CFA
- Improving job security for contingent Lecturers over 10 collective bargaining agreements
- Challenges CSU Lecturers still face



First, a little history....



In the beginning, there were two unions attempting to organize faculty within the California State University (CSU) system:

- The Congress of Faculty Associations (“CFA”), and
- The United Professors of California (UPC)



The Congress of Faculty Associations (CFA)

Coalition of three organizations:

- AAUP (American Association of University Professors)
 - NEA/CTA/CCUFA
 - CSEA (California School Employees Association)
-



The United Professors of California (UPC):

- Founded 6/13/70
- Merger between American Federation of Teachers (AFT) and Association of California State College Professors (ACSCP)
- UC faculty left in 1971



- Both began organizing CSU faculty in the late 1960's
- “CFA” more collegial/less adversarial approach; focus was on empowering academic senates
- UPC more activist/militant approach; modeled more after AFL-CIO industrial unionism



AB1091: The Berman Act, AKA HEERA: the Higher Education Employer Employee Relations Act

- Passed by CA Legislature and signed by then governor Jerry Brown in 1979
- Allowed CA Public Higher Ed faculty to engage in collective bargaining



- Acrimonious relations between the two camps
- A very close election in 1981 led to a run-off, as only 49 votes out of 15,000 cast separated the two
- Run-off in July 1982 even closer, only 12 votes difference



- The run-off election was finally certified in February 1983, with “CFA” declared the winner by 39 votes.
- The NEA-affiliated Congress of Faculty Associations changed its name to the California Faculty Association



- This close and hard-fought election led to long-lasting bad feelings between UPC faculty and CFA faculty.
- The CFA was dominated by the latter for the initial 15 years of CFA: 1983 until 1998



- There was some movement towards parity under “CFA” leadership
- A Lecturer Council of CFA was established early on – largely because one had been created by UPC originally
- But job security of Lecturers was not a focus of the early CFA.



- During these early years, there was a separate TT bargaining council and a lecturer bargaining council, each with 4 members, but the bargaining team itself contained only a single lecturer.
- At a CFA retreat in the early 1990's, after a facilitator asked attendees to brainstorm on how to build a strong and effective union, one of the suggestions was to “throw the lecturers out of the union”. (Hoffman, E. and John Hess, in Keith Hoeller's: Equality for Contingent Faculty (2014))



- In 1998 a CBA was rejected by the membership.
- This led to a movement to change leadership, and in 1999 a slate of UPC faculty were elected to statewide office, in a contested election.



1999 CFA Statewide Officers:

- President: Susan Meisenhelder (CSU-SB)
- Vice-President: Jane Kerlinger (CSU-CH)
* had previously been AVP Lecturers
- Secretary: Jeff Lustig (CSU-SA)
- Treasurer: Jim May (CSU-MB)
- AVP Lecturers: Greg Tropea (CSU-CH)



Changes in the CFA Lecturers Council after 1999:

- Fair Share legislation passed
- Under Susan Meisenhelder, CFA went from being a business/service union to an organizing/social movement union
- She was the first president who resourced the Lecturer Council with staffing (John Hess) and resources.



History of CBA & other improvements for Lecturers:

1st CBA (1983): Required departments to maintain lists of Lecturers who had been previously evaluated, and to provide such Lecturers “careful consideration” regarding subsequent employment.

- Careful consideration is a cornerstone of all later employment rights.



1st CBA (1983):

- Established and required evaluations of lecturers
- The right to careful consideration for appointment depends on having been evaluated



1st CBA (1983):

- Established 5 salary ranges for lecturers:
- L, A, B, C, and D,
- Ranges B, C, & D equivalent to the 3 TT ranges (assistant, associate, and full prof., respectively)



1st CBA (1983):

- Lecturers eligible for same General Salary Increases as tenure-line faculty
- Lecturers eligible for same sick leave
- Lecturers eligible for all paid and unpaid leave as TT faculty
- After 3 semesters or 4 quarters at .5 or above, a PT lecturer is in CalPERS retirement system



1984 amendment to 1st CBA added:

- the right of Lecturers who are reemployed after a full academic year to a one-year appointment. Previously, the longest appointment was a single term (semester or quarter).
- This allowed Lecturers access to health benefits and tax-sheltered annuities for the first time.



1984 amendment to 1st CBA also added:

- Lecturer eligibility for Meritorious Performance & Professional Promise awards (MPPPs) of \$2500 each
- Lecturer eligibility for step increases after teaching 24 units
- Improved posting of job vacancies
- Ability to file a grievance even after leaving CSU employment



1985 amendment to 1st CBA added:

- CFA achieved the major breakthrough of allowing Lecturers to combine work from different depts. and campuses to obtain health and retirement benefits
- Reduced the number of units for obtaining health benefits from 7.5 units (.5) to 6 units (.4)
- As of 7/1/86: Lecturers now eligible for dental benefits as well.



2nd CBA (1986): Lecturers with 6 years of service can apply for:

- Performance Salary Step Increases (PSSIs)
- Fee waivers for themselves or dependents
- Full-time lecturers now eligible for sabbaticals



3rd CBA (1989):

- Take-back: Lecturers need to be half-time (7.5 units) for 6 months in order to qualify for health benefits (medical, dental, optical, life, and disability insurance)



4th CBA (1992):

- Due to the 1990 Cervisi decision and the 1990 EDD statute 1253.3(g), Lecturer Handbooks now counsel PT Lecturers about Unemployment Insurance eligibility
- No additional rights bargained for lecturers



5th CBA (1995):

- Similar assignment language established; the right to teach the same number of units as in previous academic year.
- Provided the basis of later formal “entitlement”; minimum # of units assigned



5th CBA (1995):

Also by this CBA, CFA had won a number of arbitrations that clarified “careful consideration”



Arbitrator Adolph Koven:

The university should be able to show concrete evidence of how the decision not to retain him or her was reached and that the decision had a rational basis. A simple assertion by an administrator, standing alone, cannot be used to establish that “careful consideration” was given. (1986)



Arbitrator Phillip Tamoush:

“Careful consideration” means exactly that, cautious, accurate, thorough and concerned thought, attention and deliberation to the task at hand. In a sense , on behalf of applicants, it can be viewed as a benefit to guarantee that special attention be given to persons who have already devoted effort and gained experience within the system and especially the department where the “new” position exists. (1985)



By 1995, the CFA By-Laws had been modified such that:

- there were now 2 Lecturers on the Board of Directors in addition to the AVP Lecturers.
- The bargaining team now had 4 TT and 2 lecturer members
- All statewide committees shall include at least 1 Lecturer, except for CDBS which has 3



6th CBA (1998)

- After serving 6 years, lecturers eligible for a 2-year contingent appointment
- Lecturer range elevation bargained; finally a mechanism to move up in salary range, from L to A, A to B, B to C, C to D



2001:

- Elizabeth Hoffman elected AVP Lecturers
- She and John Hess principally organized the Lecturer Council from a handful of campuses to Lecturer Reps from all 23 meeting 4 times/year



2001 - 2011:

- Elizabeth and John implemented an “inside/outside” organizing strategy to grow, organize, and energize the CFA Lecturer Council
- 1st: organizing of lecturers by lecturers
- 2nd: seeking TT allies and organizing outside the CSU



2001 - 2011:

- Identifying leaders, modeling and mentoring them such that they were able to train other lecturer leaders and activists.



7th CBA (2002):

- 3-year appointment bargained; after at least 1 semester or 2 quarters in 6 consecutive academic years.
- Entitlement based on units taught in 6th year.
- 1st Preference for Work order 12.29: only two cohorts, 3-year and non-3-year lecturers



7th CBA (2002):

- After sponsoring legislation that the governor signed, CFA was able to bargain 6 units – 40% of full-time – as the threshold for benefits eligibility! Medical, dental, optical, life, and disability insurance



2002:

- Now 5 Lecturers on the statewide bargaining team and 8 tenure-line faculty



2002: Jonathan Karpf creates the

- Lecturer Nuts & Bolts workshop and powerpoint
- Lecturer Unemployment Rights workshop



2003:

- First lecturer appointed to the 5-member statewide Representation Committee, which handles Faculty Rights (grievances) across the 23-campus CSU



2003-2005:

- First lecturer appointed as CFA Representative to the AAUP

2005-2008:

- 2nd Lecturer appointed as CFA Representative to the AAUP



8th CBA (2007):

- Expansion of Preference for Work article 12.29, to include 5 cohorts of incumbent lecturers: 3-year FT, 3-year PT, 1-year FT, 1-year PT, and term (sem/qtr) appointed PT lecturers.
- This finally served to reduce Lecturer churning.



8th CBA (2007):

- Creation of “2nd bite of the apple”; units above entitlement level
- 12.29 a8 and b8, whereby once all entitlements were met, any unassigned units had to be first offered to 3-year PT lecturers up to and including Full-time, 1.0.



8th CBA (2007):

- This provided mechanism to increase one's entitlement if additional units given during an entitlement year.
- 15 units (FT) in entitlement year rolled over to a FT 3-year appointment
- Allowed PT lecturers to move closer to FT



8th CBA (2007):

- Creation of the Reemployment List for 3-year lecturers who had no work in 3rd year of 3-year appointment or in 1st year of 3-year appointment
- On list for up to 3 years; it preserves article 12 rights and position in preference for work order



8th CBA (2007):

- 5-day notice before a classroom observation of a lecturer
- Consultation now required as to day of the observation; cannot be unilateral decision by tenure-line observer



8th CBA (2007):

- 30-day notification now required of range elevation eligibility
- Important due to providing adequate time to construct range elevation dossier



Also in 2007:

- A lecturer from HSU, Chris Haynes, is elected Chair of the Contract Development and Bargaining Strategy Committee (CDBS)



Also in 2007:

- Jonathan Karpf creates a Pension & Benefits workshop and powerpoint, which has since been presented on all 23 campuses multiple times
- A part-time Lecturer providing essential information to TT faculty has played a role in unifying the bargaining unit



In 2008, the CFA Board of Directors votes to establish parity between the Council of Chapter Presidents – who have 2 statewide AVPs – and the Lecturer Council, by creating an AVP Lecturers-North officer position and an AVP Lecturers South officer position



- In 2009, Elizabeth Hoffman (LB) is re-elected as new AVP Lecturers-South, and Jonathan Karpf is elected as first AVP Lecturers-North.
- Now, 2 of the 9 statewide CFA officers are lecturers.



- After trying to bargain a successor CBA, and experiencing 15 months of systematic take-backs for all categories of faculty, CFA holds a 1-day strike at one northern campus (EB) and one southern campus (DH) in 2011.
- The CO removes all take-backs except one, and we are able to bargain improvements for all categories of faculty.



9th CBA (2012):

- 1 take-back: Full-time lecturers on 1-year appointments are moved above Part-time lecturers with 3-year appointments during the academic year (Spring semester)



9th CBA (2012):

- Established a cumulative evaluation for an initial or successor 3-year appointment
- Global binary assessment of previous 6 or 3 years by Associate dean
- Globally satisfactory (with notes on improvement) or globally unsatisfactory



9th CBA (2012):

- If globally satisfactory, a 3-year appointment is mandated
- This reduces likelihood of a single “bad” year jeopardizing one’s 3-year appointment



10th (and current CBA (2014-2017):

- Eliminated lowest salary level (L), and all lecturer L's moved into salary range A
- FT 1-year lecturers moved below PT 3-year lecturers, preserving a rational preference for work order



10th (and current CBA (2014-2017):

- A 3% Salary Recovery Adjustment (SRA) bargained that goes to all 3-year Lecturers and a smaller number of TT faculty
- For the first time, salary placement of lecturers is tied to terminal degree (TD); all with same TD as assistant prof. placed in same salary range B.



10th (and current CBA (2014-2017):

- Lecturers finally made equally eligible for RSCA university grants (Research, Scholarly, Creative, Artistic)
- Lecturers made eligible for campus-based equity raises
- Units above 15 now paid if required to bring a lecturer to full-time.



10th (and current CBA (2014-2017):

- Lecturers equally eligible for assigned time for Exceptional Level of Service to Students
- Classroom visits now require consultation on both class observed as well as day of observation.



2015: Parity in shared governance

First Lecturer Shared Governance conference:
Organized by Karen Davis, Chris Nagel, and
Mark Karplus with support from CFA and by
ally, Steve Filling, Statewide Academic Senate
Chair



As of 2016:

Nearly 50 lecturers are campus Academic Senators

There are two lecturers who are Statewide Academic Senators: Karen Davis and John Yudelson



Challenges we still face:

- The enduring challenges of balancing the needs of a single bargaining unit with diverse categories of faculty: Tenure-line instructional faculty, Lecturer faculty, Librarian faculty, Counselor faculty, and Coaching faculty
- No CBA can gain improvements for all



Challenges we still face:

- This leads to an ongoing struggle to maintain bargaining unit solidarity and unity – especially during periods of economic contraction.
- That said, the 2009-2010 Furlough was passed by members, with ~80% being TT and only ~40% being lecturers.



Challenges we still face:

- An enduring tension between all faculty being in a single bargaining unit, because TT faculty not only evaluate lecturers, but as chairs, they hire and non-reappoint lecturers.



Challenges we still face:

- At least one CSU – CSU-LA – has a campus policy that doesn’t consider lecturers as “faculty”
- Therefore, cannot be members of campus senate, nor can lecturers vote on a policy that affects them.



Challenges we still face:

- All lecturers are still “temporary employees” with 83% of them on contingent appointments, lacking structural job security.
- Bargaining a “teaching tenure” would save the CSU \$25M/year in UI benefit costs and provide job security for the majority of faculty by headcount in the CSU.



But all of that said, there is more and more unity among the faculty of the CSU, and united we are stronger.

As we gear up for an historic 5-day strike on all 23 campuses, lecturers, as always, will be playing pivotal roles and manning the picket lines along side their tenure-line colleagues.

FACULTY UNITY IS VITAL



WE CAN ONLY WIN WITH COLLECTIVE ACTION
AND SOLIDARITY

I DON'T WANT TO

STRIKE

BUT

I WILL



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Thank you!

QUESTIONS?