Workshop: Training on Interest Based Bargaining in Higher Education

Janet Gilman

Follow this and additional works at: https://thekeep.eiu.edu/jcba

Recommended Citation
DOI: https://doi.org/10.58188/1941-8043.1656
Available at: https://thekeep.eiu.edu/jcba/vol0/iss12/2

This Proceedings Material is brought to you for free and open access by the Journals at The Keep. It has been accepted for inclusion in Journal of Collective Bargaining in the Academy by an authorized editor of The Keep. For more information, please contact tabruns@eiu.edu.
Interest-Based Bargaining in Higher Education

Portland State University
American Association of University Professors
Oregon Employment Relations Board

National Center Conference March 2017
PSU faculty union votes to strike

PSU, faculty clash over break in talks

PSU calls foul on union demand

PSU offers more pay, hoping to avert strike

PSU accused of labor violation

PSU strike averted, now on to logistics
Interest-based bargaining: is it right for us?
Stakeholder Buy-In

Student Involvement

Address Elephants

Process Agreements

Willingness to Try
Bargaining Approaches

**Positional**
- Maximize individual gain
- Competitive orientation
- Extreme offers
- Limited information sharing
- Controlled communication
- Use of pressure/power based tactics

**Interest-Based**
- Maximize joint gains
- Learning focus
- Full disclosure of relevant information
- Jointly explore and invent options to satisfy mutual interests
- Avoid contests of will
What’s the best way of negotiating amicably without giving in?
Principled Approach

Understand before Solving

Reach Gradual Consensus

Generate Options

Address differences constructively
1. Frame the Issue
2. Exchange Data
3. Identify Interests
4. Invent Options
5. Evaluate Options
6. Formulate Solution
7. Closure
Useful Technology

- Mind Mapping Software (XMind)
- Google Shared Drive
Interest-Based Economic Solutions

Adapted from FMCS Affinity Bargaining Model
Road Map

- Identify Economic Issues
- Exchange data, calculate baselines
- Identify and clarify interests
- Schedule a **ONE DAY** bargaining session
Generate and post options for each economic issue
Individuals and groups work simultaneously
Clarify, Discuss, and Evaluate Options

How well do these combined options meet our stated interests?
Build Tentative Agreements
Usefulness of IBB in Higher Education

Complex, Data Intensive Issues

Need for Collaboration

Shared Focus, Knowledge, Experience
Sabbatical Interests

- Sabbatical benefits should be driven by scholarly needs rather than financial constraints.

**PROFESSIONAL DEVELOPMENT, SABBATICAL, RESEARCH INTERESTS**

- Providing adequate funding for professional development: Members should not have to pay out of pocket for job-related professional development activities.
- Encouraging and supporting taking professional and personal development and maintenance of a healthy work/life balance.
- Sabbatical benefits driven by scholarly needs.

**SALARY INTERESTS**

- Valuing research at Portland State: Researchers need to have adequate support and job security.
- Access to and appropriate cost sharing of release time sufficient to attract people to the work of the association.
- Other benefits:
  - Keeping salaries grow to meet the cost of living in the Portland, Oregon area.
  - Valuing our members' years of experience in eliminating salary compression and inequity.
Sabbatical Options

3/3: non economics to be addressed through grievance conversation or interim bargaining later. Economic portion included in IBB affinity day.

- change current percentages
  - agree to consider a change to percentages in Art 30 bargaining
  - retain 1 term at 85%, change 2 and 3 terms % TBD in Art 30 talks

- Association to be notified of denials
  - add to article 6
  - when/how taken
  - split sabbaticals allowed to cross academic years as they’ve been done in the past
  - competitive process?
  - basis for granting/denying applications (define undue hardship)
  - appeal process — appeal to provost

- terms that govern access
- requirements upon return

https://thekeep.eiu.edu/jcba/vol0/iss12/2
DOI: 10.58188/1941-8043.1656
Sabbatical Pay as a Percentage of Base Salary

<table>
<thead>
<tr>
<th>One Term</th>
<th>85%</th>
<th>No Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two Term</td>
<td>75%</td>
<td>80%</td>
</tr>
<tr>
<td>Three Term</td>
<td>60%</td>
<td>75%</td>
</tr>
</tbody>
</table>
Step 1: Framing

1. How can we retain and promote NTTF?
2. How can we best stabilize faculty infrastructure by offering ongoing employment status to NTTF?
3. How do we recognize the contribution of NTTF to the campus and provide greater job security?
4. How can we provide permanent positions to NTTF currently at PSU?
5. How can we create a fully empowered university citizen with all rights and protections?
6. How can we survive without NTTF?
7. How can we best stabilize employment for NTTF through ongoing employment status?
8. How can we provide PSU with a stable and ongoing workforce on NTTF that is valued, rewarded, respected, and enjoys academic freedom?
9. How can PSU provide NTTF with employment stability, respect, and guarantee of academic freedom and recognize and reward their ongoing service to the University?
10. How can we best stabilize faculty infrastructure and provide employment stability to all faculty?
### Data

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>✓ Art 18 Task force report -- distributed</td>
</tr>
<tr>
<td>2</td>
<td>Strategic planning topic team report (from faculty roles and structure team)</td>
</tr>
<tr>
<td>3</td>
<td>✓ # of NTTF including research faculty -- Phil</td>
</tr>
<tr>
<td>4</td>
<td>✓ # NTTF who provide service to students beyond teaching</td>
</tr>
<tr>
<td>5</td>
<td>? Suggestions in TF report with economic implications (professional development opportunities, additional performance eval, bridge money, continuous employment review) may want to look more closely at these costs at later stage</td>
</tr>
<tr>
<td>6</td>
<td>✓ Look at current tenure and promotion timelines</td>
</tr>
<tr>
<td>7</td>
<td>✓ # SCH produced by NTTF and amount of grant $ brought in by NTTF over past three years -- Scott (SCH) Carol (grant dollars) by next meeting (Aug 25)</td>
</tr>
<tr>
<td>8</td>
<td># Promotion of research faculty (#s) going back 3 years -- as a percentage of total, and # of requests for promotion Carol (# of requests, Carol will look into by Aug 25)</td>
</tr>
<tr>
<td>9</td>
<td>✓ Sabbatical taken by NTTF (applied for and granted) -- Ramon by next meeting</td>
</tr>
<tr>
<td>10</td>
<td>✓ Other models from other Universities -- Leanne and Pam to put on google drive</td>
</tr>
<tr>
<td>11</td>
<td>? Current performance eval processes -- shelly's question and is OK waiting on the data for now, may need to do a more formal departmental review later</td>
</tr>
<tr>
<td>12</td>
<td>✓ Case studies of similar transition at other Universities -- Leanne to share details of her research in google drive, who wants to bring examples in will do so</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Pam provides copy of draft report</td>
</tr>
<tr>
<td>approx</td>
<td>325</td>
</tr>
<tr>
<td>Most</td>
<td></td>
</tr>
<tr>
<td>Scott walked us through spreadsheet placed on google drive (Aug 14)</td>
<td></td>
</tr>
<tr>
<td>AY 12-13 = 1, 13-14 = 5, 14-15 = 5 doesn't include re-ranking (113 total)</td>
<td></td>
</tr>
<tr>
<td>Ramon walked us through handout, 9.1 number applied for not available in HR</td>
<td></td>
</tr>
<tr>
<td>10.1 Reviewed google doc (8/14)</td>
<td></td>
</tr>
<tr>
<td>Leanne Gina Ron shared their dept practices -- all similar</td>
<td></td>
</tr>
</tbody>
</table>
Step 3: Interests on a Subpart of NTTF Issue

When, why and how will evaluation be conducted at these three stages?

Prior to CA
For CA
Post CA

1. Rewards, financial and non financial, at all three levels -- Prior to CA, For CA, Post CA
2. evaluation system that is a meaningful tool for support and development of faculty
3. evaluation system that does not significantly increase faculty and administrator workloads
4. high quality teaching, student learning, and student outcomes
5. consistency across campus in how full time faculty are evaluated and rewarded
6. recognizing and allowing for unique departmental needs and interests
7. not reducing job security that NTTF currently have
8. ability to promptly address and remedy issues which in rare cases may include separation
9. not conflating eval processes with the current processes for dealing with sanctionable behavior under Art 27
10. protect mgmt right to conduct employee evaluation
11. transparency and respect for peer review process
12. process with campus wide acceptance and value
13. eval system that supports job security, predictability and stability

https://thekeep.eiu.edu/jcba/vol0/iss12/2
DOI: 10.58188/1941-8043.1656
Step 4: Options

AAUP 8/31: All teaching NTTF who achieved seniority and promoted or re-ranked will convert to continuous appt. All NTTF who have not promoted or re-ranked, but have at least 6 years of experience will convert to continuous appt. Any NTTF with less than 6 years of experience who has not promoted or re-ranked will be encouraged to do so this academic year by OAA.


3. AAUP 9/8 Revised Option see Google Drive for complete Option

4. PSU Option 9/9

4.1 CONTINUOUS APPOINTMENT WILL BE GRANTED IF:
4.2 6 years plus a promotion, and Terminal degree or appropriate experience
4.3 6 Years and no promotion would be able to apply for a promotion and/or continuous appointment with appropriate degree or experience

Admin 9/15: Handout "Revised Option for Offering Continuous Appts to NTTF"

5.1 CURRENT NTFF WHO MEET BOTH OF THE FOLLOWING CRITERIA WILL BE CONVETED TO CONTINUOUS APPT.
5.2 Asst. Professor, Asst. Clinical Practice, OR
5.3 Completed at least 6 years of experience

6. AAUP 9/23 Handout

7. Admin 9/23 Handout (modified by handwritten document distributed during meeting)
Step 5: Evaluation

Weighing Options Against the Interests

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility Criteria to Apply for Continuing Appointment for Current NTTF and Future NTTF (per table in PSU handout 6/31)</td>
<td>All teaching NTTF who achieved seniority (4 year) and promoted or re-ranked will convert to continuous app. All NTTF who have not promoted or re-ranked, but have at least 5 years of experience will convert to continuous app. Any NTTF with less than 5 years of experience who has not promoted or re-ranked will be encouraged to do so this academic year by DIA.</td>
<td>Art 10 Task Force Recommendation: -- Continuing Employment: Rolling Contract: Teaching for tenure</td>
</tr>
<tr>
<td>1 EVALUATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Job security for NTTF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Strengthening professional recognition and respect NTTF receive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Eligible for job security regardless of funding source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Affording the academic freedom to NTTF that other faculty ranks have</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Resolving issue in timely fashion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Rewarding faculty who have made a commitment to PSU over the years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Eliminating Christmas letters, notice of non renewal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Robust recruitment process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Retain quality NTTF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Interest in promotional pathways</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Provide students with stable instructional workforce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Provide depts with stable staffing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Further PSU's instructional and research missions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Final Steps: Proposed Solutions and Consensus Based Tentative Agreement

1. Annual reviews can be basis for converting to CA
2. There are options for NTTF who have been denied opportunity to promote
3. 4+ years plus promotion at time of ratification is automatic conversion
4. 4-5 years and not promoted could apply for CA

During transition until faculty senate adopts guidelines for NTTF hired on or before ratification:
1) Successful promotion after 4 year will result in CA
2) In extraordinary case, in which promotion is granted prior to 4th year, promotion application materials will serve as basis for CA supplemented by 4th year annual review and additional material provided by faculty member or required by dept
3) Application for CA 4 more years of service will include at min.... see baseline packet above 4

6. 6 years and not promoted at time of ratification, could auto convert with 4 recent positive reviews
7. Current NTTF not promoted at time of ratification and who promote prior to or during 4th year
8. Current NTTF (those hired on or before ratification) with fewer than 4 8 years who have not yet been promoted would follow 4 above and need to apply for CA at or above the 4 year mark
9. Current fixed term NTTF with seniority will be granted ability to request that fixed term status continue through no later than 6/15/2018
10. Requests for annual review will not be denied for those preparing for CA

Baseline packet: narrative that looks back and at contributions to dept and/or community, letters from colleagues/community partners (internal, not requiring external), student evals, sample teaching materials to support narrative, annual reviews, additional materials as required by dept.
4.1 Take 4.1 as a start for faculty senate to take and continue to work on.

Published by The Keep, 2017
New Approaches to Ratification and Roll Out

- Ratification summaries
- Training
- Marketing
- Contract Guide
• Relationships
• Culture
• Ongoing Negotiations
• Organizational Communication