Observations Entering A Collective Bargaining Environment

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Recommended Citation
Available at: http://thekeep.eiu.edu/jcba/vol2/iss1/6
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William L. Perry, Eastern Illinois University

The university I have served as president since 2007, a master’s comprehensive university with a majority of the undergraduates in a traditional residential experience, has just under 12,000 students and approximately 2,000 faculty and staff members. Five out of six faculty and staff members are either in a collective bargaining unit or in the state universities civil service system, with some of those individuals in both. I had previously served as dean of faculties and as vice provost at a much larger university in which neither faculty nor staff were in a union or a civil service system.

During the interview process for my current position, I was asked about my experience with unions. Upon my answer of none, except for a couple of summer jobs as a union member, the subsequent question was whether I thought this would be an issue, should I be selected. My answer at the time, which I believe holds true today, was that I did not believe it would be an issue, since the faculty, staff, and administration of a university are joined in common cause: the education of students and the advancement of knowledge. This common cause unites us and provides a foundation on which to build successful negotiations.

Although my experience at my prior institution did not involve union negotiations, my responsibilities did involve several elements that have been helpful to me for the past three years: using mediation skills, building trust, opening multiple lines of communication, negotiating in good faith, observing institutional policies, and collaborating with shared governance units. Use of those elements led to collaborative development of budgets, post-tenure review policies, policies on terms of employment for lecturers, and design and assignment of space for new administrative and academic buildings, among other accomplishments.

Now, three and a half years into my current job, we have negotiated agreements with all 10 bargaining units (except one, with whom we are in binding arbitration). Consequently, I have some observations that may be of interest to those with experience with academic collective bargaining and of use to others who are new, or about to be new, to a collective bargaining environment. In addition I have some observations about the future of public universities that will likely affect collective bargaining.

Observations, possibly helpful to a president entering a collective bargaining environment for the first time:

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• Relationships with the faculty and staff, developed in multiple ways, are critical. Contract negotiations should not be the only window to your thinking about the university and its purposes and ideals. Positive relationships, developed day-to-day, will be beneficial to negotiations.

• Contracts do provide clarity. Well-constructed contracts actually make process definition easier. Knowledge of the language and operational consequences of contracts is essential.

• Collective bargaining is both well-defined but admits of interpretation. At its essence, collective bargaining is structured negotiations to agree on wages, workload/hours, and working conditions. However, you will find other issues brought to the table, including various internal, and sometimes individual, agendas. Hewing to a strict constructionist view for negotiations allows for dealing with other issues in other arenas more amenable for progress.

• Transparency supports trust. Part of transparency is providing data and other information germane to the major issues facing your university. Part of transparency is being present where you can listen to opinions on university opportunities and concerns, make clear your approaches to the issues, and give feedback. Some possible venues are senates, department or college meetings, and major university committees. Even though these activities are not in the negotiation context, and take considerable time, they are very valuable to your relationships.

• Data driven/informed decisions and strategies are critical. It is essential to have hard data on all the issues likely to be negotiated. A policy on making university budget data publicly available on the web and to faculty and staff senates and committees will serve you well. Include all costs for initiatives, including indirect costs. Be ready to present data in multiple formats, especially upon the request of bargaining units.

• Experience counts. Listen carefully to experienced individuals about the negotiations processes as they have unfolded in the past. There will be historical differences between the trajectories of negotiations with different bargaining units. Have experienced people on the bargaining team.

• Adjustment to language is necessary. “Management” and “labor” are terms unfamiliar in collegial environments. Take them for what they are: terms of art and definition for a defined process. Sorting out rhetoric from substance keeps negotiations on track.

• A well-defined envelope of negotiations is essential to your bargaining team. Meet with your team as often as needed to reaffirm the envelope. Based on negotiations, your team may need to request a change in the envelope. Be ready to make sensible change. Through multiple negotiation sessions, your team will be able to inform you about changes that may be sensible. The sweater knitted by your team in negotiations will be yours to wear.
• Your bargaining team must be informed of administrative decisions. Decisions you make may raise issues with the bargaining unit’s team. Your team mustn’t be blindsided by your decisions.

The preceding bullet points are based on past experience. With respect to the future, a rapidly changing social, political, and economic environment for public universities contains several elements that will, I believe, affect collective bargaining in the near and far term. Here they are:

• Performance-based funding for public universities. The pressure to improve retention and graduation rates may be evidenced in changes to overall state funding to the university. New responsibilities or changed responsibilities for faculty and staff as universities try new programs to enhance retention and graduation rates may be seen as changes in workload and/or working conditions and lead to grievances or extended contract negotiations. On the other hand, well-defined and understood performance-based funding for universities can provide a foundation for negotiations critical to the financial sustainability of the university.

• Budget instability. If state funding declines in nominal or real terms, or becomes unpredictable, and tuition is regulated, it is even more important that the budget of the university be an open book to all. All need to know how much of the budget comes from the state; from the students; from external financial aid sources; and from gifts, grants and contracts. Expenditures should be able to be tracked to the department level. Explanations regarding sources of funds and allowable expenditures by source will be needed. Without openness, budget tension or suspicion will undermine relationships and negotiations. On the other hand, openness will build trust.

• Competition for students. In most public universities, tuition revenue as a percentage of university revenue has increased and state appropriations as a percentage of university revenue has decreased. Long-term contract provisions for salary increases, whether cost of living or merit based, will become more dependent on success in recruitment of students. Faculty may be asked to become more involved in targeted recruitment and retention, or raises may be predicated on enrollment.

• Public universities operating more as private universities. This may affect contracts in many ways. One is the growth of importance of university endowment. Drastic declines in endowments cut revenue for not only scholarships, but also operations. Tying contract provisions to endowment income may be prudent. Another effect may be in the increased use of university revenue, or tuition waivers, for financial aid in order to maintain access or to achieve and sustain an admissions profile. In either case, less revenue would be available for salaries, wages, and operations, affecting contracts and negotiations.

• Rapid change. Rapid changes in state budgets, new technologies, accelerating global competition for students, changes in enrollment patterns, changes in state and federal financial aid programs, and changing social attitudes towards the individual or societal benefit of a university education all have significant potential to change university
revenues and enrollments on a short-term and long-term basis. Decisions should be made on the optimal length of contracts or the negotiation of contract contingencies based on rapid change of revenue, enrollment, and so on. Rapid change also has implications for labor relations between contract negotiations. Universities need to have safe harbors for discussions with union representatives that are of a shared governance type, rather than bargaining or grievance sessions. Rapid change and economic volatility also may create the need for contract provisions for timely and flexible responses to short-term financial exigencies.

The forces driving change in higher education will affect universities with academic collective bargaining units and those without unionized employees alike. How we manage change will affect the shape of academic collective bargaining and the roles of our communities of scholars at the core of our universities. From what I have learned the past three plus years and what I learned at my previous institution I am convinced that public universities, whether in a collective bargaining environment or not, can meet the challenges presented to us by nurturing openness, trust, communication, and cooperation with faculty and staff. Respect for bargaining units, support of shared governance, transparency, openness, and a consistent emphasis on our common cause of education of students and advancement of knowledge will enable all parties to negotiate responsibly for the mutual benefit of our students, faculty, staff, and society.