



KEAN FEDERATION OF TEACHERS
Association of Professors, Professional Staff and Librarians
Local 2187, American Federation of Teachers
Kean University, Union, N.J. 07083
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KFT General Membership Meeting
1 February 2006
Hennings Hall, Room 113
3:30 p.m.

I. Approval of Agenda

C. Kelly motioned to approve the agenda; seconded by R. Katz.

Agenda unanimously approved.

II. Approval of Minutes

M. Lender motioned to approve the minutes of November 30, 2005; seconded by M. Mutazz

Minutes unanimously approved.

II. President's Report

*M. Rodriguez indicated that there are a number of big and little issues on the agenda. There have been regular meetings to make sure that we are following the strategic plan approved since Spring 2005. There are three subcommittees to meet with the Librarians, Professional Staff and Faculty to make sure that the issues and needs of the constituencies are addressed in the coming Master Contract negotiations. We are trying to implement a department representative system across the campus. One librarian and one faculty member have been asked to lead the effort (E. McKnight and I. Nesoff).

There is an effort to reach all the constituencies on the Kean campus and beyond. There have been successful dialogues with some of the student groups. There will be a celebration of International Workers Day on 5/1/06. There will be a panel discussion on local and international labor issues with a jazz concert, along with a poetry celebration by the students. The poetry will have to do with work and workers' conditions. Students from the photography program have been invited to participate.

In late February, there will be a meeting on the Kean campus of the women presidents of the New Jersey college union locals to advance the rights of women. Maternity leave issues and the need to expand leave to include the care of elderly parents will be discussed.

When we are trying to negotiate, we have found that we are not reaching out to the source of the problem. The scope of negotiations is too limited and the laws are written against the unionized workers. R. Lesniak and other legislators will be reached out to in order to invite them to speak at a later meeting during this semester.

A serious issue that is at hand is that a Code Of Conduct that only applies to bargaining unit members. As was discussed in the State Council, if adopted, Kean would be one of the few N.J. institutions that would have one. The Code of Conduct as it stands violates our basic rights, terms and conditions of employment. A letter was sent to President Farahi with a deadline of 2/3/06 to respond. If no response is forthcoming, a ULP will be filed. Discussion ensued. A question was asked about whether it is legal for a union to use union dues to hire a lobbying firm. S. Young of the State Council has indicated that it is acceptable. The State Council itself also has a lobbyist regarding statewide issues.

III. Treasurer's Report

*E. Comerford reported that as of 1/31/06, the Union has taken in \$198,000 and paid out \$193,000, the union is operating within \$5,000 of the operating revenue. We have made a special effort to live well within our means, despite the fact that we reduced the dues several years ago, and they have not been raised since. We are the only college local in N.J. that doesn't charge at least 1% of the salaries for dues. With the coming salary increases, we will receive a little more money commensurate with the increase. But the AFT will then charge a higher rate as well. The Union takes in about \$32,000 a month during ten months, with \$11,000 going to the National AFT dues and \$7,000 to \$8,000 going to the State Council dues.

The Union had established an endowment fund a couple of years ago for student scholarships. \$50,000 was put into a fund with a 5% rate of interest. This year will be the first year that scholarship monies may be given from this fund in the amount of \$2,5000. In the past four years, \$8-10,000 has also been paid out in scholarships from the operating budget. So, this year, with the additional \$2,500 earned in interest from the endowment, we will be able to give \$10,000 in scholarships. The actual earnings were \$2,800. These monies provide a lasting memorial that the KFT is committed to affordable education for our students.

In terms of the COPE funds, the last quarter of 2005 was given to the State Council. They then cut a check for about \$1,000 that goes to the KFT. There is an annual audit done on the KFT books by an outside auditor during June/July to make sure that no monies have been used for unallowable expenditures.

There are currently 95 agency members (paying 85% of the full dues) and about 460 full members, with the number fluctuating somewhat with people leaving Kean, retiring, etc. The notice for the KFT elections went out 1/12/06. Only those who were full member prior to one month before the notice are eligible to vote.

Discussion ensued. We should be proud of the KFT scholarship. It is listed with the other KFT scholarships awards in March every year. The KFT scholarship committee created the criteria for the scholarship money to be given through the Foundation, as well as that for the scholarships to be given directly from the KFT. The KFT also gives scholarships directly to students. It is always advertised in The Tower and pictures are taken and published in the Administrative Report of the yearly awards dinner given to honor the recipients, their family and friends. Year to date, \$25,500 is paid in stipends to KFT reps and officers, half paid in September and half paid in March. Several years ago, the KFT President Stipend was \$16,000. Now it is less than that, having been lowered from the time R. Katz became president. The only increases given in the stipends are an equivalent percent increase to the percent increases given in the Master Contract. The officers are paid a stipend (President, Vice Presidents, Secretary, and Treasurer) and the chairs of the Negotiation and Grievance Committees, since a substantial amount of their free time is devoted to these activities. The State Council delegates are paid a stipend of \$700 a year. The members-at-large are not paid any stipend. In terms of the hours spent, E. Comerford indicated that she once figured out that she makes about \$4 an hour as Treasurer.

The budget has been in balance every year for the past several years with a surplus, except for the year that the \$50,000 was given for the endowment fund. This surplus is in addition to the money that is in reserve of over \$300,000. Having this money puts the Union in a strong bargaining position when it comes to Master Contract negotiations. Otherwise, we would be at the mercy of the administration. If there is a strike, the money in the reserve would need to be used.

There was a 12th step added with the last Master contract. Those who have been at the 11th step for 24 months will see a significant difference in their pay come July, 2006. The contract increase of 2/6/06 should be reflected in the next paycheck. Another increase will go into effect in September and then another in February 2007 for a total of an 8% increase.

IV. Committee Reports

Election Committee - J. Erickson reported that the deadline for submitting petitions to run in the KFT election is today. The petitions will be taken to the American Arbitration Association based in Somerset (228 Davidson Road). They will count the ballots. If anyone wants to be with J. Erickson at the American Arbitration Association when he witnesses the counting of the ballots, they can do so. The envelope you will receive at home states "Urgent-KFT ballot enclosed". Only those who were active full dues paying 'members of record' (on payroll report as full dues paying members one month prior to notice of the balloting – December 8, 2005) can sign the petitions and can run in the election. Discussion ensued regarding those running for the election. An endorsement of a slate running against the incumbents was made. Election committee is just charged with making sure the election is fair, not with running a debate. Anyone with petitions has until 5:00 p.m. today to hand them in. The KFT Constitution does not require a separate meeting to do so. Petitions for nominations were accepted.

*J. Erickson discussed a handout given regarding the “Non-Imposition” bill. This bill would require the State to negotiate until a decision has been reached, instead of the State being allowed to impose an agreement on unions. The bill has passed out of Committee and appears to have a good chance to pass.

Grievance Report - J. Castiglione indicated that in the last month, there has been a lot of activity with grievances. The Union and the Board of Trustees signed a grievance settlement that restored the Open Forum right to speak. Previously, the Board had required that only agenda items could be addressed by speakers and the speakers had to submit their entire speech in writing prior to the meeting. Union Presidents M. Rodriguez and K. Henderson were denied their right to speak at a Board meeting following the change in policy. A plea for the right to speak was made with the Corzine campaign. Corzine, a strong pro-labor candidate, intervened to set up a meeting with Sen. Lesniak, who then promised to intervene for the right to speak. Last Thursday (January 26th), the agreement was signed which allows anyone to speak on any issue (not just on agenda items) if they sign up to do so three days in advance of the meeting, with just a one-line notification of what comments will address (with no full written speech required in advance), with a limitation of three minutes to speak, for a total of 30 minutes for all speakers. The KFT stood up for freedom of speech. No other sister institutions in New Jersey have any written agreement for a period of public comments. The State Council is planning to use this agreement as a model for the State.

The KFT also signed a grievance settlement on behalf of the program coordinator in the College of Business and Public Administration. He was not informed not to do the work he had previously been doing, so he continued doing it. He received payment in full. If there are any other cases in which the Deans have not contacted you, make sure that you contact the Dean about what you are doing. If there is a similar problem, contact the KFT.

There was also a grievance on behalf of three faculty members who were not reappointed. The KFT has asked the Provost and the President to attend Step 1 hearings on the grievance but they have not responded positively.

Another grievance settlement was for a Professional Staff member, who will be retiring in 2010. This agreement was consistent with the Professional Staff member's plans.

A grievance filed over last summer about the overload teaching cap. There is hope that this will be settled soon.

When members grieve issues, there is substantial settlement that can compensate you. Sometimes things can get resolved without filing a grievance. For example, for a member the salary listed in the contract was incorrect and H. R. would not change it. The KFT intervened and it was changed to the correct salary with back pay that was due.

All are encouraged to keep on top of contract. S. Holderman, M. Wuethrich and J. Castiglione are on the Grievance Committee. S. Holderman and M. Wuethrich have

contract administration meetings and can go over issues to make sure that the administration properly implements clauses in the agreement. Lately, the committee has been very busy with the issue of NL compensation.

Local Negotiations - C. Kelly indicated that we are finally coming to a comprehensive agreement that would cover all Professional Staff units the same in the NL Compensatory time agreement. This should be signed off shortly.

A letter of agreement has been signed for Release time for Research and Creative works, which will be for three years.

The Tenured Faculty Research Initiative (TFRI) will be two per College and should soon be signed.

In regards to the Promotions Appeal process, some people were ruled ineligible in the past. With the latest agreement, we were able to build into the process an appeal process if one was found to be deficient. This year, no one was found to be ineligible.

We are in the process of negotiating range adjustments, but there was a last minute snafu due to the pending budgetary crisis. If you are at the top step, the range adjustment would result in an amount equal to a promotion award. It requires two ranges and the Administration said they'd be willing to give a number of range adjustments equal to the number of promotions. We asked for data regarding promotions to get a unified collection of data. Negotiations are now in progress over this issue. The Administration said that there is a budget cut set for higher education by the State, not just at Kean. The process of the range adjustments was to be negotiated. We could indicate that if the budget allows for the range adjustments, more promotions would be given. If you are an Associate or Full Professor and haven't gotten a promotion in the last four years, you can apply for range adjustment to the lowest step in the range two steps higher (accounting for about \$3,000). Discussion ensued. No range adjustments have been given since the latest administration came on board. The Administration counters that it is too expensive. In terms of the Promotion Committee, the President has asked for a change in the representatives to include the Graduate College and the School of Visual Arts. Two ULPs were filed on behalf of Chairs regarding the cap and the Chair evaluation and job description. The Hearing officer thought that we had a tentative agreement and then decided to let OER rule.

V. Strategy Related to the Code of Conduct

*P. Pezzolo referred to a handout. He indicated that a letter by KFT president M. Rodriguez has been sent to the Administration with a formal demand for negotiations regarding a code of conduct. If there is no negotiation or response, a ULP will be filed.

A Presidential task force created a Code of Conduct. The Task Force began meeting in 2004. Prior KFT President D. Casale did not appoint a KFT member to the Task Force,

nor did he join it himself as the KFT representative. P. Pezzolo was appointed this Fall 2005, but only the last meeting of the Task Force took place by that time.

The Professional Code of Conduct is specifically and exclusively for members of our bargaining unit. It originated in the first days, according to the Faculty senate Minutes, by President, Dr. Farahi. President Farahi met with the Faculty Senate several times and spoke about the Code of Conduct. There are no other institutions in our sector that has the same kind of Code of Conduct. Rowan University has one for faculty and staff and New Jersey City University has one for faculty, but they are not the same as the one proposed at Kean. President Farahi told the full Faculty Senate that it was a state requirement to have a Code of Conduct. However, the State Council said there is no such requirement. There is no activity at other sister institutions to do this. The Administration has the right to have a Code of Conduct as indicated in the Master Contract by the statement “management has the right to promulgate rules” if so, we want such rules to be fair and to protect the rights of all members in the bargaining unit.

At the Task Force meeting he attended, P. Pezzolo asked about what form of sanctions they had in mind for the Peer Review Committee to recommend. He was told that it could include termination, dismissal, and reprimands. What is most problematic with the code is that it doesn't provide due process (fair procedure). Also, the Peer Review Committee made up of peers would be recommending against a fellow bargaining unit member. Legal advisors tell us that a bargaining unit member may not reprimand other unit members. Our members must have all the rights of due process. If someone accuses you of misconduct, shouldn't you be entitled to see the accusation? If the accuser will appear, shouldn't you be entitled to be represented by council, to face the accuser, cross-examine the accuser, and present a case in your own defense? Shouldn't you know what conduct would lead to what disciplinary action? Standards are listed in the Code as ideals. We should approve a code of conduct, but our members must be adequately protected.

Discussion ensued. It was asked how often does the Code of Conduct conflict with our Master Contract. One example it does so is when tenured faculty can be determined by statutory process. It is unclear how the Master Contract meshes with that. We do not know to what extent it reflects the thinking of the University President. One would answer that the document appears to be consistent with what the Administration would want. P. Pezzolo had asked the Task force what models were used, but did not get an answer. A Google search was done and it was found that the University of California at Davis has had a code of conduct in place since the 1970s. It states the ethical principles guiding faculty and describes them as ideals. There is then a separate list of the types of unacceptable conduct to make it clear. There is one listing in Kean's that states that the faculty shall develop and sustain an environment that is conducive to teaching and learning. The legal point of view would state that this is procedurally unfair because it doesn't give clear and fair warning what is unacceptable conduct. Conduct standards should be stated as “shall not” rather than “thou shall” Decision makers can then vary less.

Discussion ensued. The Code of Ethics is a different document. That required a signature indicating it was received. The Code of Ethics is a command created by the State of N.J. and it applies to all employees. It is in regard to conflicts of interest. The Code of Conduct is in final draft form and has not been distributed by the Administration as of yet. It applies only to members of our bargaining unit. The Senate proposed a Presidential Task Force to create such a document. In our sector, there are 9 institutions including Kean, only 2 of which have codes of conduct. NJCU has one in place since 1976. Rowan University's code appears to have copied the NJCU code and has been in place since the 1990s. Neither is like the Kean code. Theirs forbids illegal conduct. Kean's code of conduct is intended to enforce good or excellent workmanship in the job. A faculty Senate committee would do no more than recommend censorship. Such a document needs to be negotiated. The KFT awaits a formal disposition from the top administrators to negotiate with our union.

C. Kelly motioned for adjournment; seconded by V. Ortiz.

Meeting adjourned at 5:55 pm.

Respectfully submitted by Linda Bradbury, Secretary to the KFT.

Handouts at meeting:

- Agenda
- Minutes of 11/30/05
- Progress on non-Imposition Bill
- Questions in need of answers with e-mail and copy of Professional Code of Conduct for Faculty Members and Professional Staff
- NJ State AFL-CIO 10th Annual Labor Candidates School announcement and survey
- An Interesting Insight