

THE KFT VOICE

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Kean Federation of Teachers - An Association of Professors, Professional Staff and Librarians - Kean University, Union, NJ

Code Red

On Tuesday, March 21, Vice President Janice Murray-Laury and Ms. Bonnie Potter introduced to the Faculty Senate the new Kean "Student Code of Conduct" document. Using their extensive administrative experience, legally appropriate protections, and procedural examples set by professional organizations, they have devised a code that defines student offenses and provides procedures that address remedies and sanctions. Most importantly, their code incorporates due process (procedural fairness) that protects the rights and dignity of each student throughout the investigation and resolution of an alleged violation.

By contrast, the proposed professional code of conduct for faculty and professional staff, originally submitted to the Faculty Senate by a Presidential Task Force last fall, contained no due process whatsoever for any faculty or professional staff accused of misconduct.

With respect for student rights so carefully acknowledged by one branch of the University Administration, it is inconceivable that proposed procedures for faculty and staff could be so abusive and so demeaning. Only after the KFT presented the criticism of its legal advisors were revisions incorporating some, but not all essential due process protections, made. Yet, the student code of conduct surpasses the protections proposed for faculty and staff. For example, in the currently proposed code of conduct for faculty and professional staff,

- fair notice or fair warning of what constitutes impermissible conduct is still absent
- conduct standards are still framed as ethical ideals rather than as explicit types of unacceptable behavior and
- no audiotape or transcript will be available from a hearing so that no objective record of testimony would be available for use in appeal if an appeal becomes necessary.

Whether civil and professional protections are omitted intentionally or unintentionally, implementation of the proposed code would unmistakably invoke a climate of fear and potential intimidation among faculty and staff. And the academic freedom we enjoy at Kean will be critically compromised.

You deserve better!! If you expect to work in a professional environment that values debate, inquiry and democratic principles, **now is the time to voice your concern.** On campus you can sign a petition to the President and vote on a departmental resolution that insists upon due process, civil rights, and personal dignity for each and every faculty member. Off campus you can write to legislators and the Governor to insist that terms and conditions of public employment are legally negotiable and that terms and conditions cannot be imposed or abrogate civil rights. **YOUR SILENCE IS NOT AN OPTION.**

By Bryan Lees, KFT Member-At-Large

Professional Staff: The Work to Be Done

By Linda Bradbury—KFT Secretary and Vice President-elect

Now that the election process for officers of the KFT is complete, it is time for us to look forward. As a Professional Staff member of the KFT, I hear from the Professional Staff about their concerns. There are a number of issues that consistently arise in conversations about the terms and conditions of our employment.

One issue is compensatory time for Professional Staff in NL (Non-limited) job status. Letter of Agreement # 107 was signed by the KFT and the Administration in June 2005 about this issue. There are still many Professional Staff, however, whose supervisors have not informed them of the right to be compensated for working additional hours beyond the regular workweek. Therefore, it is incumbent upon Professional Staff to become informed about our compensatory time rights and responsibilities. We cannot depend upon others to make sure that our hard won rights are respected. We must ensure that we keep ourselves informed and maintain accurate records so we will be compensated fairly.

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A Message from KFT President María del C. Rodríguez

Here we are in the 21st century surrounded by great technological advances. The human species has sent a robot to Mars searching for valuable data. But this is also a time of great concern for all union workers not only here at Kean but in every corner of the world. More and more, the rights and benefits of union workers are questioned and eroded. Here at Kean University, another union election has been completed. A new group of officers will take the reins of the local in July of 2006. It is important to look at our history and have a clear plan on the direction in which we are heading. Local 2187 is backed by a strong history of consistent, dignified struggle. Due to these efforts, we have lifted workers' wages, rights and working conditions.

It is difficult to get a true sense of the sacrifice and effort that has been devoted so that all members can enjoy the fundamental rights and competitive benefits of the workplace. Both seasoned and new members alike should know the consistent benefits of being a union member. Based on a national study conducted by the AFL-CIO, researchers looked at the living conditions of workers in the states with a high density of unions versus those states with a lower density of unions. The average national weekly salary for the unionized worker was \$801 versus \$622 for the non-union member. Ninety percent (90%) of the union workers had access to health insurance coverage while only 68% of the non-union workers had health coverage. Seventy three (73) percent of union workers had pension plans versus only 16 % of non-union workers. The national average for vacation days among union workers was 15 days and only 11.7 for non-union workers. One can safely conclude that it pays to be a union worker.

During any given year, union officers face considerable challenges but this situation is most accentuated at this very moment in Kean's history. Given the anti-labor climate that we endure every day at the job, the challenge is 10 times greater. Of the nine universities that are a part of the State Council of College Locals, Kean has filed the most grievances and unfair labor practices.

Top administrators regularly ignore invitations extended by union leaders to have dialogue on urgent issues affecting our local. This is the case with the proposed Code of Conduct that the University attempts to impose only on faculty and professional staff at Kean. The letter sent late Jan of '06 seeking dialogue and negotiation is still unanswered by the University. It is precisely this type of slow response or no response for dialogue and negotiation that paves the way for many grievances and other legal procedures.

We are committed to a steadfast defense of our master contract, the enhancement of our terms and conditions of employment and the openness of the governance process. Some may argue

"The average national weekly salary for the unionized worker was \$801 versus \$622 for the non-union member."

- Based on a national study conducted by the AFL-CIO -

that the best course of action is conceding to the Administration on a regular basis. The essence of trade unionism is social uplift. Our vigilant defense and critical analysis of the working conditions are examples of the essential role played by unions in a democratic society. As the great legendary labor leader Eugene V. Debs once said: "Intelligent discontent is the main-spring of civilization. Progress is born of agitation. It is agitation or stagnation".

To establish a more effective communication with all members, it is our commitment to provide a more energized department rep system. Workshops will be offered to faculty, professional staff and librarians on tenure and promotion procedures. More systematic lobbying efforts will be conducted with local legislators and other decision making agents affecting Kean University. Special meetings around health maintenance issues are planned for the near future. The first jazz concert for all members will be held this May of 2006.

I urge all members to attend general membership meetings, share constructive ideas with the leadership, visit our homepage and volunteer as much as you can. Our fight is not simply for our particular interests. Our fight is for academic freedom and equity in education for all students. We are proud of the work we do and demand full respect for our craft. Without a doubt, our work is a cornerstone of this and any other democracy. Walk tall on any given day: do not settle for less than full respect in the workplace or elsewhere.

WHAT IS A GRIEVANCE?

Our Agreement defines a grievance as "a breach, misinterpretation or improper application of terms" of the Agreement itself or "an arbitrary or discriminatory application of, or failure to act pursuant to, the applicable policies or rules of a Board of Trustees, or applicable regulations or statutes which establish terms and conditions of employment." (Article VII.B) In short, any violation of our contract, of the law, of the policies of the individual college/university Boards of Trustees, or of the normal practices and procedures at your college/university are subject to our grievance procedure.

from www.cnjscl.org

LEGISLATIVE ACTION AND PRIORITIES

by Jon Erickson, Legislative Action Chair

Last year the Council of New Jersey State College Locals secured a commitment to establish an Assembly Committee on Higher Education. That committee has now met twice this session. At the March 6, 2006 meeting, Nicholas Yovnello, the Council President, Lisa Klein, Rutgers AAUP President, and Judith Johnston, Statewide President of AAUP presented testimony. The Council and AAUP testimony is linked to the Council's webpage at www.cnjscl.org. President Yovnello's testimony presents a comprehensive case for more state oversight and for specific legislative priorities.

Also at that meeting, the committee's first legislative action was to vote out of committee A-2750, sponsored by Assembly Committee Chair Diegnan. The bill adds two employee representatives, chosen by campus unions, to every state University and College Boards of Trustees (except Rutgers). Employees would have full voting rights, except on personnel matters. A full vote of the Assembly is now needed. The Senate bill is S-1563.

In other action on our legislative priorities, S-319, sponsored by Senator Madden, was voted out of the Senate State Government Committee. This bill prohibits public employers from unilaterally changing terms and conditions of employment, after an impasse has been reached in negotiations. Now a public employer can impose its final offer on public employee unions. Under this bill the terms of the expired contract would remain in effect until the parties reach agreement on a new one. These bills would level the playing field in contract negotiations. A full vote of the Senate is now needed. The Assembly bill is A-1030.

Top legislative priorities include:

Accountability

A-2524, sponsored by Assemblyman Stanley

Requires Commission on Higher Education to provide to the Governor and Legislature an annual report on senior management at the State colleges and universities including the following information:

- (1) number, titles and salary of senior management
- (2) ratio of senior management to full-time students as compared to the ratio of full-time faculty to full-time students
- (3) value of transportation and housing provided to senior management
- (4) value of expense accounts and the amount of bonuses

S-1219, sponsored by Senator Martin Revises the Open Public Meetings Act to apply to committees and subcommittees of a public body and expand the definition of a "meeting" to include use of e-mail, instant messaging and similar technologies. Further requires 3 business days notice of meeting; guarantees the public the right to speak, audiotape or video

tape the meeting; requires the generation of comprehensive minutes, accessible to the public within 5 business days and mandates that the public body designate an Internet site to provide the public with information

Subcontracting

A-2439, sponsored by Assemblywoman Oliver Prohibits subcontracting of unit work in the public education/higher education sectors during the term of a collective bargaining agreement. After contract expires, public employer must give union at least 90 days advanced notice and agree to discuss its intent to subcontract and negotiate over its impact on the bargaining unit.

Tuition Assistance

A-875, sponsored by Assemblyman Stanley

S-1349, sponsored by Senator Turner.

This bill creates a HOPE Scholarship program, based on the Georgia model, which would waive tuition for all students who maintain a "B" average.

A-858, sponsored by Assemblyman Stanley

S-1435, sponsored by Senator Turner

S-394, sponsored by Senator Martin

Expands Tuition Aid Grant (TAG) program to include part-time undergraduate students at the senior public institutions.

Paid Family Leave

A-1518, sponsored by Assemblywoman Oliver Provides 12 weeks of paid family leave per year for workers to care for sick family members or children during the first year after birth or adoption. Benefits would come from either Temporary Disability Insurance or Unemployment Insurance funds. The Council is a member of the Statewide Time to Care Coalition which is developing a statewide push to get the legislature to adopt paid family leave.

Mileage Reimbursement

A-1954, sponsored by Assemblyman Wisniewski Increases mileage reimbursement rate for a State employee driving a private automobile on State business to the IRS rate, as adjusted periodically for inflation.



KFT officers
Linda Bradbury
and
James Castiglione
with Jon Corzine
at October 2005
union rally

Professional Staff: The Work to Be Done (Continued from cover page)

There now is a form called "Bi-Weekly Compensatory Time Record NL Employees" available on the Kean web site at www.kean.edu. To download it for printing, on the Kean home page, select the "Faculty and Staff" page. Scroll down to "Faculty & Staff Resources"; select "Human Resources" and scroll down to the very bottom of the page to "Kean University Bi-Weekly Compensatory Time Record NL-Employees". This form allows for the additional time worked to be recorded for your future use. It is important for supervisors to be aware of why the additional hours were worked and how many were worked. Because of the nature of specific jobs, there were initially some units of Professional Staff that were not yet included in this agreement, namely Athletics, and Theater. Negotiations are now being finalized to include all Professional staff from all units.

While on the Human Resources web page, check out the new revised single and multi-year forms for "Performance Evaluation for Non-Teaching Professional Staff". These are effective with those Professional Staff being evaluated in Spring 2006 and after, as per our Letter of Agreement #106 with the administration. You will notice that an additional "above satisfactory" category has been added, as well as a Performance Improvement Plan for supervisors to develop a strategy to improve performance for areas indicated needing improvement or as unsatisfactory. Supervisors' comments for both "Above Satisfactory" and "Needs Improvement" ratings are now required, not only negative comments. Again, it is important for Professional Staff to make sure that they are being evaluated on the proper forms.

In order for Professional Staff to get to know their Union, their contract, their rights, their agreements, and their fellow members, and to provide input and feedback to the Union, the KFT Professional Staff Committee has planned a Professional Staff luncheon meeting:

Thursday, April 27th in UC 226 from 12 noon to 2:00 p.m.

"Letter of Agreement 107, the Contract Evaluation Process, and Your Feedback"

We hope that Professional Staff will be proactive in addressing their needs and issues and will participate in these two events designed for collaborating and connecting with fellow Professional Staff and the KFT. We look forward to seeing you there!

ENFORCING THE CONTRACT

A strong grievance procedure vigorously enforced by the Union is necessary to insure equitable treatment under the contract. We recommend that all unit members periodically review Article VII along with the rest of the Agreement and become familiar with their rights. If you feel that you may have received inequitable treatment, you should contact the Union immediately.

Through the grievance procedure, we have been successful in protecting employee rights. To cite just a few examples, back pay has been obtained for many individuals, irregularities in reappointment and promotion procedures have been corrected, and, on one occasion, additional pay for all unit members was gained by correcting the State's "mistake" in calculating salary increases. With your continued support, the Union can improve the grievance procedure in negotiations and continue to apply it with fairness and for the benefit of all.

Contract enforcement is the most demanding, time-consuming, and expensive task that the Union performs for you. Without vigorous enforcement, a contract is worthless. We must maintain constant vigilance, especially in these days of attacks on due process, to insure that our hard-won gains are not eroded by management. Your Union prides itself on having built a strong grievance machinery which operates democratically for all unit members. But we need your help to make it work.

from www.cnjscl.org

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