

# THE KFT VOICE

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Kean Federation of Teachers - An Association of Professors, Professional Staff and Librarians - Kean University, Union, NJ 07083

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## GOVERNOR CHRISTIE'S "TOOLKIT"



by James A. Castiglione, President, KFT

### HAMMERING HIGHER EDUCATION PROFESSIONALS

In May, New Jersey Governor Chris Christie proposed a package of 33 bills known collectively as the "toolkit". In the months since, most bills have been introduced or modified in the legislature, but remain bottled up in committees of the NJ Senate and Assembly. Sold as a means for controlling and ultimately reducing local property taxes, many of the proposals have nothing to do with property taxes and may drive up costs for municipalities, school districts, higher education and for the state as well.



### "PUTTING THE SCREWS" TO PROFESSIONALS

In reality, the toolkit represents an aggressive, ideologically driven attack on New Jersey's public-sector professionals and the unions that represent them. I don't have to remind you of how relentlessly the Governor has used the media to demonize teachers and teacher's unions around the state, especially the NJEA. The Governor has even gone so far as to undermine New Jersey's application for hundreds of million of dollars of federal "Race-to-the-Top" education funding as part of his political vendetta against unions and unionized workers.



### "THROWING A MONKEY WRENCH INTO NEGOTIATIONS"

*Bill S-2337/A-3219: Proposed Break-Up the AFT Collective Bargaining Unit*

The Governor's toolkit contains systematic changes to governance, civil service, collective bargaining and a variety of employee protections, many of which will affect higher education. The most disconcerting of these for us is the bill that would break up our AFT collective bargaining unit and force each local to negotiate with its own Board of Trustees. *Given the Farahi administration's record of bad-faith at local negotiations on issues of relatively minor import, you can imagine how difficult and how costly it would be to negotiate major issues such as our salaries and benefits directly with the Farahi administration.* This bill not only attacks responsible, legally enacted unionism, it further erodes State oversight of the public colleges and universities and makes each university more vulnerable to abuse<sup>1</sup> by both its local administration and the state.

The fact that this bill has remained bottled-up in committee since its introduction in June is a testament to the effectiveness of your union's political action, not only from the leadership, but also your own grass-roots involvement in calling and writing state legislators to express opposition to this bill. **Direct political action worked!**

The State Council has remained vigilant lest this bill be resurrected from the dead in light of the recent push by State College Presidents to get it enacted into law. *Only your Union stands between you and self-serving Presidents and politicians who continue to threaten quality education and the integrity of faculty.*



<sup>1</sup> Report of the N.J. State Commission of Investigation, "Vulnerable to Abuse," October 2007

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## Seasons Greetings

**KFT HOLIDAY PARTY**

**MONDAY DECEMBER 13 2010**

**DOWNES HALL 3:30 p.m. - 6:00 p.m.**



## ***KFT Good Faith Negotiations are a Win/Win Strategy***

*By Charlie Kelly, Local Negotiations Chair*

The KFT last reported (August 2010) that the Administration rejected its own proposal regarding the Banking of Courses and that the KFT might have to file an Unfair Labor Practice (ULP) charge with the Public Employment Relations Commission (PERC) to bring closure to this issue. The KFT has filed the charge and a conference is tentatively set for February 16, 2011.<sup>2</sup> The charge is very serious because the KFT believes that *withdrawal of the Administration's proposal—one that we accepted without any changes—is prima facie evidence of bad faith bargaining*. Not only is this charge significant legally, it is fundamental to all collective bargaining at Kean.

As a result of bad faith, local negotiations become more legalistic. Bad faith is more than the Administration changing its position; it represents an attitude and an approach to bargaining that can easily poison the negotiation of all disputes. However, the KFT continues to bargain in good faith and strives to achieve the best possible agreements for the bargaining unit. As a result, the KFT has reached oral understandings on possible resolutions of two procedural issues with the Administration.

The first understanding pertains to the Range Adjustment/A328/ARTP Committee Chairperson. The oral understanding is not really a negotiated agreement until we get the Administration's signature on paper with the language that is acceptable to us. The KFT labor counsel has advised us that all our previous Letter of Agreements without sunset clauses can not be changed unless we agreed to re-open negotiations. Yet, if we re-open negotiations and can not agree on the change, the Administration has the legal right to impose its proposals once it meets its "obligation to negotiate." While conventional wisdom supports negotiated settlement over unilateral imposition, our Administration prefers to ignore conventional wisdom and to decide unilaterally.

The Administration's abrupt termination of negotiations and the imposition of student evaluations last year is an example of unilateral decision-making. Although Kean asked for expedited negotiations weekly rather than monthly meetings, it was not for the sake of arriving at mutually acceptable settlements with the KFT, but to meet the minimal standards of law requiring "negotiations" before imposition.

The Memorandum of Understanding we have with the Administration for the personnel committee chairperson re-establishes that the first step of the Range Adjustment, A328, and ARTP Committee review is a *peer review process*.

Departments headed by executive directors shall have academic program coordinators or where necessary, the most senior tenured faculty member<sup>3</sup> preside over the peer review committee.

*At our meeting on November 24<sup>th</sup>, we agreed and signed a letter of agreement to maintain the integrity of the peer review process for all personnel committees by barring anyone from management from direct or indirect involvement.*

The second procedural issue is timesheets. *The KFT at its general membership meeting in November unanimously passed a resolution requesting the Administration to reconsider its decision to require faculty to complete timesheets.* As a result, the Negotiations Team conveyed how offensive timesheets are viewed by faculty and how unnecessary they are given the nature of our work. *Despite KFT vigorous opposition to the procedure, the Administration insists on its implementation.* Having met its minimum obligation under the law regarding negotiations, we are left with the choice of unilateral implementation of a timesheet with a format designed for Administrators or one designed by the KFT to include the off-campus work of faculty in support of their teaching, students, and professional development. Instead of having one category to list total hours worked, faculty could detail hours of class preparation, student advisement both on and off campus, service hours to the university, to the profession and to the larger community in addition to the total hours worked category.

One issue separating the University and the KFT over timesheets pertains to the length of the academic year. The University maintains that the faculty are 10-month employees while the KFT maintains we are 32-week employees. The dispute came up last year when the Administration mandated training after graduation and the KFT brought the issue to arbitration. The arbitrator advised the KFT and the Administration to settle the dispute by agreeing to disagree and to let statewide negotiations in 2011 resolve the issue. Each side can maintain its respective position, and if statewide negotiations do not resolve the issue, either party can reactivate the arbitration process.

Consequently the KFT incorporates a statement on the reverse side of the timesheet that reflects the principle contributing to the settlement regarding training and the academic year.

It states:

*The KFT and the Administration have not completely resolved the issue of the academic year. The Administration maintains that it is 10 months and the KFT maintains that it is 32 weeks. In regard to training, the KFT agrees that Administration has the right to direct faculty to attend training between the end of the Spring semester and June 30<sup>th</sup>. The Administration agrees that it will take no action against faculty who do not attend training. The KFT/Administration has agreed to apply this principle to timesheets after the end of the Spring semester. We in the KFT urge you not to submit timesheets after the Spring semester concludes with graduation exercises. This agreement expires June 30, 2011.*

<sup>2</sup> PERC will first attempt to mediate rather than litigate.

<sup>3</sup>The person who has the most seniority based on tenure

("KFT Good Faith" continued on back page)



## HUMAN RIGHTS ARE INALIENABLE

*By Jacqueline M. Keil, Vice President and Grievance Officer*

**Professional Staff Layoffs:** The KFT filed a grievance regarding the recent layoffs of 12 professional staff members, and the Step 1 hearing is scheduled to take place in early December. When professional staff members ask why they are losing their jobs at Kean, they are simply told the layoffs are due to a fiscal crisis. This is very troubling since resources abound for new buildings, landscaping, and recent trips for administrators to travel to China for an extended period of time. ***The KFT grievance disputes the existence of a fiscal crisis, claims three of the layoffs are arbitrary and capricious, and notes how one of the layoffs eliminates a professional staff member from an expanding program.*** It is clear that these layoffs will be yet another huge disservice for our students.

**Reappointment/Tenure:** The KFT has learned that Dr. Mark Lender, Interim Vice President of Academic Affairs, has made several non-reappointment recommendations to the President. The administration does not give faculty the professional courtesy of citing specific reasons for negative recommendations. Also, administrators continue to act in an authoritarian manner by denying reappointment to faculty who receive unanimous support at the department and college level. These actions - ***not telling faculty why they are receiving non-reappointment recommendations and ignoring the votes of committees giving unanimous support - are particularly appalling when they are taking place at a university that is home to a Human Rights Institute.***

**ARTP Committees and "Academic Reorganization":** The current state of the "academic reorganization" is, to put it bluntly, a fiasco. Given the chaotic nature of the "academic reorganization", an additional concern for faculty this year is the unevenness of the ARTP processes for retention, tenure, and promotion. For example, Executive Directors have served on ARTP reappointment committees, and as peer evaluators by observing faculty in the class room, while some junior faculty have been evaluated properly by departments/programs following agreed upon past practices for ARTP committee structures and processes, others have not. ***All faculty at the same institution should be evaluated the same way. To do otherwise is blatantly unfair and grievable.***

**Reminder:** If you have any questions and/or concerns about your rights, contact the KFT office (e-mail: kft2187@rcn.com; phone: 908.737.3925), or feel free to contact me directly via my KFT cell phone at 908.623.0182. Please remember that there are time limits for filing grievances, so any concerns about violations of your rights should be brought to my attention as soon as possible. ♦

## THE BRIGHT SIDE OF THE NJ 2010 ELECTIONS

*By Jon Erickson, Treasurer and Chair, Political Action Committee*

Most of the attention paid to the national 2010 election results has focused on the rise of the Tea Party and the Democratic Party loss of the House of Representatives. New Jersey's contribution to the Congressional shift to the right is one-term Democratic Congressman John Adler's loss to former Philadelphia Eagle pro-football player and Republican Jon Runyan. As Representative of a conservative district, Adler did not support Health Care Reform of other issues endorsed by the AFT. Under Runyan, the pro-labor policy agenda, including issues ranging from immigration reform to cap and trade, will be mostly on hold for the next two years.

Fortunately, the elections in New Jersey were not a disaster. **Only one seat in the New Jersey delegation changed hands.** Both Russ Holt and Frank Pallone defeated anti-labor candidates. And at the state level the news is even better. This year was an off-year for state elected positions and only four state senate and assembly seats were up for election.

**In the Fifth District,** former Democratic Assemblyman Donald Norcross, the brother of South Jersey political boss George Norcross, defeated Republican Harry Trout and Tea Party member Christopher Weag for the Senate seat. Filling Norcross's vacancy in the Assembly, Democrat Gilbert "Chip" Wilson beat Republican Barbara Gallagher. Although Donald Norcross is head of the South Jersey Central Labor Council and is a business agent for an IBEW (Electrical Workers) local, his brother, George, appears to be locked in a power struggle to control Rowan University and its new medical school. And as we have learned in the past few years, **Democrats that are private sector union members do not always act in support of public-sector unions and their members.**

**In the Fourteenth District** (Mercer and Middlesex Counties), Republican Thomas Goodwin, who had been appointed to the State Senate to replace Republican Bill Baroni, was challenged and defeated by Democratic Assemblywoman Linda Greenstein. Whereas Baroni had been a friend of labor on many important votes over the years and had been frequently endorsed by labor groups, Goodwin has not. On the other hand Linda Greenstein has been the strongest supporter in the assembly of public sector union members. Her victory not only increases the size of the Democratic majority in the Senate but also assures public sector unions and their members a voice in the Democratic caucus.

Finally, the only ballot measure this year was a **New Jersey Constitutional amendment that legally binds the state to dedicate all wage assessments to a fund that can be used for no other purpose.** The measure covers unemployment, paid family leave, disability funds, but not pensions.

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## Governor Christie's "Toolkit"

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### PUTTING UNTENURED FACULTY IN A VISE



*Bill A-3357: Proposed Extension of Tenure to 7 years*

The result of the bill to modify New Jersey's tenure law would demoralize the best efforts of untenured faculty. The Governor's proposal would allow each Board to add an additional five years to the already five-year probationary period of untenured faculty. That's right – ten years of service before tenure! Although this bill also seemed dead, Assembly bill A-3357, recently introduced to the Higher Education Committee by its Democratic Chair Pamela Lampitt, tries to strike an ill-conceived compromise position by allowing a two-year extension of the tenure period. This bill as currently written would:

- allow the probationary period for receiving tenure to be extended to 7 years
- apply immediately. The consequence would be that current untenured faculty, hired under the expectation of 5 years to tenure would be held to this same 7 year period.
- eliminate the flexibility in the current law that allows a sixth year to complete tenure requirements for faculty forced to miss time due to medical or maternity leave.

Of course, there are no problems with the current 5-year probationary period. **These proposed changes are demeaning, abusive and patently unfair to our untenured colleagues. One abusive bill is not an acceptable substitute for another!** Your union leadership opposes these changes and is making every effort to educate legislators to the extensive problems with the bill.

### MEMBERSHIP ACTIVISM - HOW TO ABOLISH THE "TOOLKIT"

The union's political strength flows from our members' activism. As we saw most recently in November with the election of labor-backed candidates to the State Legislature, direct political action worked! These bills have been beaten back and can be again, but they will be beaten back only if YOU ACT. You MUST contact your State Senators and Assemblypersons and demand they oppose all the toolkit bills that will affect higher education.



Make no mistake! The assault on your terms and conditions of employment contained in these bills is extremely threatening. The potential impact on our salary and benefits and future professionalism could be catastrophic! Collective action is our best defense.

**Engage in it now! ♦**

### KFT GOOD FAITH NEGOTIATIONS

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At our last negotiations session, the KFT has also proposed compensation for Academic Program Coordinators and incentives for faculty similar to those provided to students for weekend courses. The Administration's response was that it is rethinking whether Academic Program Coordinators are needed. As of this writing, the KFT's proposal for weekend teaching incentives has only been discussed. We expect a formal response at our next meeting. ♦

### THE BRIGHT SIDE

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The measure passed by a large margin. Labor supported the measure to guarantee that the funds would be there when workers needed them and conservatives supported the measure to prevent the Governor and legislature from raiding the funds to balance the budget, as opposed to cutting expenditures. ♦

**Support Your Union**



**In Unity There Is Strength**



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