

Grievance Update

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The KFT Grievance Committee first wants to alert the membership of an emerging issue. We have received reports that the administration has tried to unreasonably deny members from exercising the contractually stipulated special sick leave clause. If you find yourself in such a situation, please contact a KFT Grievance officer immediately.

Readers will recall several grievance settlements reported in a fall issue of the Voice. The KFT Grievance Committee is please to report continued success in settling grievances with the Kean administration. This is due in part to the work the KFT and State Council have done in cultivating ties with regulators and politicians at all levels of government, including the new governor. In this way, we can have our voice heard when grievances are being ignored locally and to push forward to settlement.

Freedom of Speech: The Union recently signed a grievance settlement with the Board of Trustees that restores the Freedom of Speech rights for members of the Kean University community to speak in the Open Forum of the public portion of Board of Trustees' meetings. In essence, the previous speaking policy was restored:

- Any member of the public may sign up to speak at Board meetings.
- The speaker may speak on any issue, whether it be an agenda or a non-agenda item.
- Speakers must sign up to speak three days in advance, providing their name and their topic.
- Speakers are encouraged, but not compelled, to provide their full, written remarks in advance.
- Each speaker has three (3) minutes for his/her remarks. The Board will allot 30 minutes for the Open Forum at each Board meeting.

This written agreement is unprecedented among our sister institutions and arises due to the intervention, last fall, of Governor Jon Corzine and State Senator Raymond Lesniak. The KFT hopes this intervention will be typical of the pro-labor policies of the Governor.

Released Time Grievance Settled: The KFT also recently settled a grievance on behalf of a faculty member in the College of Business and Public Administration whose released time for program coordination was taken away without the member being informed of the decision until the middle of the semester. Indicative of our members' professionalism, he continued to perform his duties while his grievance was pending. The settlement calls for him to be fully reimbursed for the work he did in the fall semester plus the work that he had performed in the summer for which he was also being denied payment.

Untenured Faculty Grievances: The KFT has filed grievances on behalf of three untenured faculty members who were denied reappointment for the 2006-7 academic year. The KFT has requested the presence of both the Provost and the President as witnesses for the Step-1 Hearings of all three faculty but they have refused to participate. One grievance includes a secondary issue related to compensation for administrative duties. The KFT will file a grievance if the University denies our request to make the grievant whole; the faculty member is also exploring remedy options under civil venues.

Professional Staff Contract: The KFT has settled a second grievance, similar to one in the fall, involving a professional staff employee denied appointment to a multi-year contract. The settlement outlines a path to get the individual to retirement in 2010.

Summer Teaching Cap: The grievance regarding the university's unilateral implementation of a summer teaching cap this past summer is in on-going settlement talks. We hope to settle this grievance soon, but the KFT reserves the option of pursuing an Unfair Labor Practice if necessary.

Be ever vigilant of the terms and conditions of our contract. For example, a faculty member who was recently promoted found that the administration had incorrectly determined his new salary step and would not correct the mistake at his request. After the intervention of the Union, the correction was made, including the restoration of back-pay. Due to the alert response by the member, a grievance was not needed.

The Purpose of our Contract Grievance Procedure:

The purpose of our contract grievance procedure is to establish a fair and agreed-upon method of resolving disputes arising over the interpretation or application of particular clauses in our collective bargaining Agreement and/or college/university policy. A fair grievance procedure is the historically proven method of avoiding protracted and mutually ruinous conflicts between employees and their employer.

Promotion Committee Reconfiguration

Charles Kelly, Negotiations Chair

Changes in college designations, notably the separation of Visual and Performing Arts from Humanities and the addition of the Weiss graduate college, require a reconfiguration of the constitution of the University Promotion Committee. In addition, the historically inconsistent role of students on the Promotion Committee needs to be systematized, especially in light of the unbalanced student representation in the past year when all three serving on the committee were from the Biology department as was the chairman of the Promotion Committee. In fact one student is an employee in the lab of Committee chairman

We are confident that a letter of agreement with the administration can be successfully negotiated as was this past year's Promotion Committee agreement. That agreement extended from one to two years the period during which faculty observations and student evaluations may be taken; clarified and systematized the process of determining eligibility of applicant's folders; and improved the opportunity to appeal ineligibility. Following this new agreement no faculty member was deemed ineligible this year.

The KFT has no specific preconceived proposals for reconfiguring the promotion Committee but we are mindful of the necessity of maintaining full, fair and equitable representation of all academic departments and faculty members.

The following requisites will guide our proposals

Preservation of the rotation of departments and faculty members on the Committee so that departments do not serve consecutive terms on the committee and that the same faculty members do not succeed themselves as department representatives.

Ensuring that smaller departments are represented on the Committee.

Ensuring that colleges with fewer departments are not historically overrepresented.

Ensuring representation of graduate faculty without unfairly advantaging or disadvantaging departments with or without graduate faculty.

Making consistent and protecting from manipulation the role of students on the committee.

Possible General Outlines

Given the structural imbalance of the number of departments from college to college here are some possible approaches we would like the membership to discuss:

Grouping smaller colleges together while ensuring that from term to term a department from one college can not succeed itself.

Dispensing, for the purposes of Promotion Committee representation, with college designations and simply ensure fair representation of each of the 36 departments in the university.

Ensuring representation of graduate faculty by including them as constituents of their disciplinary undergraduate departments or providing separate graduate college representation while ensuring that graduate faculty not duplicate department representation on the Committee.

The Role of Students on the Promotion Committee

In an effort to correct recent abuses of student representation on the committee, we propose that student representatives come from different colleges and schools.

Preserve students' representation but ensure that students do not represent departments with faculty representation on the committee.

Remove student representation from the Promotion Committee.

By early next fall the KFT will present to the General Membership a number of proposals for reconfiguring the Promotion Committee so that a new letter of agreement will be in place by the Spring 2007 election cycle. To facilitate the development of its proposals the KFT will seek out the views of the membership.

The current Promotion Committee configuration will serve as there already is a member of the college of Visual and Performing Arts on the committee. Graduate faculty will vote as members of their disciplinary undergraduate departments.