

THE KFT VOICE

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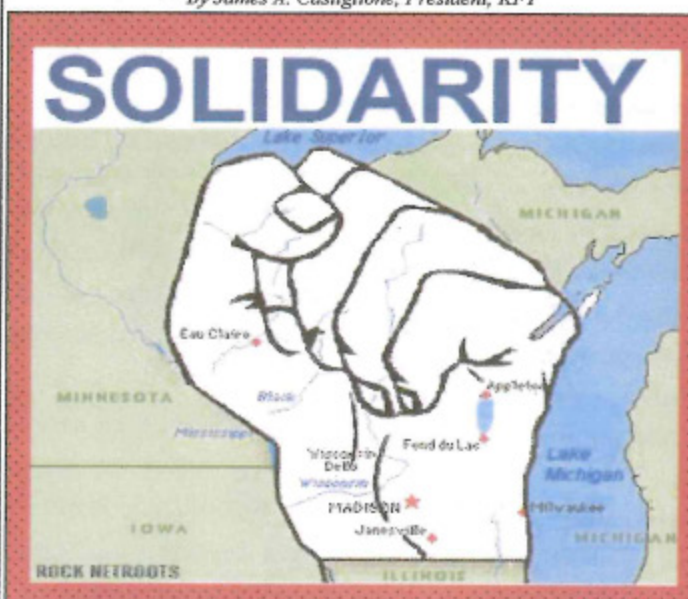
Is New Jersey Next?

Will Your Salary and Health Care Coverage Measure Up?

By James A. Castiglione, President, KFT

2011 is seeing the threat of several major political factors: in Wisconsin, the right to Collective Bargaining by public employees is seriously threatened and NJ is anxiously attempting to breakup our collective bargaining unit and force all unionized employees to negotiate directly with each college and university's administration.

Our Master Contract negotiations, the Higher Education Task Force Report, the Governor's "toolkit" bills, NJ Legislature elections in November - all will have



Support your right to collective bargaining!
Your future and America's future depend on it!

enormous implications for not only KFT members but also for public higher education in the State of New Jersey. As in Wisconsin, political mobilization will be key for achieving victories or for simply beating back bad policy.

Our Union leadership and rank and file membership, working together, have recently exerted significant political influence with positive outcomes.

Residency Bill & Proposed Tenure Law Changes

As originally proposed, the Residency Bill would have forced ALL public employees to live in the state. Due to our political outreach, your Union leadership and you, achieved modifications exempting all current and future faculty, professional staff and librarians from the residency requirement, including when a

member undergoes a title change via promotion.

With regard to New Jersey's Tenure Law, we are aware of no problems with it and will continue to forcefully advocate that current law remain unchanged. The Governor's original "toolkit" tenure bill, which proposed extending the probationary period up to ten years, has been bottled up in committee since it was introduced due to our opposition. An alternative version to extend the probationary period to seven years was introduced this fall in the Assembly, but has since been amended - again, through the political action

of your Union - in the following ways:

- All current untenured tenure-track faculty will remain on a 5 year probationary period
- Boards of Trustees will not have discretion to set their own probationary periods
- Extensions for faculty who take sick or maternity leave are restored
- Future faculty will have a six year, not a seven or ten year probationary period
- Tenured faculty taking a position at a sister institution can transfer their tenure.

Your Union argued for automatic promotion upon tenure and for the use of multi-year contracts. Though we were not able to secure those benefits yet, we will continue to advocate for them should the tenure legislation move forward in the senate.

Negotiations - Local & Statewide - are threatened by the Higher Ed Task Force Report

The bad-faith bargaining tactics used by the Farahi administration in local negotiations, has a minimal impact ONLY because of the limited scope of negotiations that are conducted at the local level. For example, salaries and health care are not locally negotiated, they are

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Higher Education Task Force Report Excludes Faculty Input, Defies Reason

By Richard Katz, Council Delegate

Deregulation of public education runs wild

The New Jersey Higher Education Task Force, a five-person group of corporate and higher education managers, headed by former Governor Thomas Kean, issued its Report in January. Absent any input from faculty, the Report calls for handing over to the University Presidents even more power, decreasing state oversight even further, while ignoring the quality of education in the classroom.

The report recommends elimination of the NJ Commission on Higher Education, dissolution of statewide bargaining, exemption from anti-corruption pay to play laws and unbridled local Boards of Trustees given sole authority to appoint its own members. The implications are ominous.

New Jersey's Boards provide no oversight as it is. They rubber stamp their Presidents proposals, and fail to comply with Title 18A:64-66-m which requires that Boards "Adopt, after consultation with the President and the faculty, bylaws and make and promulgates such rules, regulations and orders, not inconsistent with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes."

Those purposes should center on education, the direct expertise of faculty.

Instead, Boards of Trustees, ignoring faculty and students, have raised student tuition and fees ever higher; paid ever increasing numbers of upper level administrators increasingly higher salaries -- while their unionized

employees took wage freezes and furloughs; reduced the number of full-time faculty; and accumulated excessive debt for capital projects that have little to do with what goes on in the classroom. The Task Force report calls for more of the same.

Decentralizing collective bargaining takes precedence over quality education

There is not one mention in the Report of the ever increasing over-reliance on adjunct faculty. No mention of the decreasing share of institutional budgets that go into the classroom. No mention of deplorable retention and graduation rates.

The report shorts educational quality, eliminates state oversight while encouraging college/university Presidents to build ever-larger fiefdoms.

An implicit irony in the Higher Education Task Force Report is its insistence on decentralizing collective bargaining, which would increase the number and therefore the expense of negotiating 35 separate contracts for all the employees on the campuses, instead of the 4 contracts under the present system that cover Fulltime AFT, Adjunct AFT, CWA and IFPTE 195 workers.

At the same time, Governor Christie inveighs against the expense and inequality of just such a system of separate union contracts in New Jersey's public schools. There he wants to consolidate the separate school contracts into a centralized statewide bargaining system. **Facts and consistency of rationale be damned!** ♦

Protest Injustice with Your Grievance

By Jacqueline M. Keil, Vice President and Grievance Officer

Grievances in Progress

The grievance addressing Professional Staff layoffs has been voted to move forward to arbitration. An arbitrator has been assigned to the case, and the State Council has requested an expedited hearing.

There is a current grievance waiting for a Step I hearing that has yet to be scheduled. This grievance addresses the non-reappointment of a faculty member involving tenure. This faculty member had received unanimous support at the department and college levels.

The anti-democratic tendency of this authoritarian administration is astounding given the university's purported commitment to human rights.

Grievance Procedures

I would like to remind everyone that there are time limits for filing grievances. According to the Agreement:

"A grievance must be filed at Step One within forty-five (45) calendar days from the date on which the individual employee should reasonably have known of its occurrence."

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New Contract Negotiations Survey By Jon Erickson, Treasurer and Chair, Political Action Committee

Beginning this spring a new round of preparations for negotiations with the State of New Jersey will start. In late February the College Council will distribute a survey to the membership asking your opinions and concerns. After the completion of the survey, locals, including the KFT, will also develop proposals. Focus groups of College Council members will take the survey results and local proposals to develop a final set of proposed modifications to the master contract to bring to the table. **Please take the time necessary to review the contract and develop proposals that will improve working**

conditions at Kean.

In the past the College Council gathered all the contract proposals made by member locals and presented them as a whole to the state. This year we expect bargaining with the Christie Administration will be difficult. As a result the general feeling of the College Council Negotiations Committee is that we should put forward a limited number of proposals that address our most important concerns. **Your Union leadership serves your interests and priorities. Please take the time to let us know what they are.** ♦

State and Local Contempt for Bargaining Rights — in NJ By Charlie Kelly, Local Negotiations Chair

State Oversight Corrupted?

The Public Employment Relations Commission (PERC)—the Agency established by the Legislature to be an independent and neutral umpire in the enforcement of the Public Employment Act is under attack by Governor Christie and his Administration. Christie's newly appointed PERC Commissioner, who has little or no experience in labor relations, summarily dismissed a well-respected and impartial PERC administrator because the Commissioner did not like some of the administrator's decisions. This dismissal at PERC clearly is intended to chill the impartiality of its hearing officers.

The Legislature created PERC with the purpose of protecting the public interest and the objective of resolving labor/management disputes in the public sector. As a result, the fair treatment of public employees for more than 40 years has been deemed a public good. Governor Christie and his Administration is sending the message that abusive treatment of public employees is now "in the public interest." This distortion of PERC's statutes makes it doubly difficult to constrain Kean in its ill-conceived approach for collective bargaining and to resolve disputes in our negotiations.

The KFT's meeting with PERC to resolve our Unfair Labor Practice (ULP) on the banking of courses suggests that few mutually acceptable agreements will be reached in the future. We previously asserted that this ULP was significant because it speaks to the fundamental issue of bad faith bargaining. What could illustrate bad faith bargaining more clearly than the Administration's withdrawing its own proposal for the banking of courses even after we had accepted it verbatim?

Previously, the KFT could expect PERC to order both parties back to the bargaining table before it would accept impasse. However, at the hearing, PERC claimed that little divided us. While the PERC officer met with management representatives,¹ our KFT chief negotiator and the State Council AFT representative worked out language to bridge the divide. Upon the PERC officer's return from her caucus with management, we offered the modified language as a resolution. Without looking at the KFT proposed resolution, she told us to send it directly to Kean because the management representatives present claimed that they did not have the authority to resolve the dispute.

In the ULP hearing regarding student evaluations, PERC undermined good faith bargaining by suggesting that Kean should go back to the table at least two more meetings before officially accepting impasse. As you know, the Administration did meet with the KFT. It remained adamant and refused to alter its initial position, and then went ahead and implemented the student evaluation of all courses, all sections, all semesters—unilaterally.

In both cases, PERC disregarded the spirit of its own statutes and gave the Kean Administration the opportunity to impose unilaterally its will at our expense.

From those exchanges, as well as behavior at the negotiation table on February 16, it appears that Kean's management team has little or no authority to agree to anything that may appear in any way beneficial to the faculty, librarians and /or staff.

¹ the Deputy Attorney General, the Deputy Director of the Office of Employee Relations and Kean Vice President for Financial Affairs

Will Your Salary and Health Care Coverage Measure Up?

Cont' from front page

negotiated at statewide bargaining as part of our current Master Contract—and they must remain that way.

The Governor's Task Force recommends increasing premium sharing for health care to 1/3 of total costs and allowing each institution to shop for different health care coverage.

Do you trust the Farahi administration to provide you the best health care? WE MUST BEAT BACK Gov. Christie's attempt to eliminate statewide negotiations.

Your Union leadership recognizes the serious flaws of the Task Force Report and has begun taking a series of actions to counter it in unity with Rutgers AFT-AAUP and HPAAE – the AFT unit that represents nurses and others at UMDNJ.

Statewide bargaining for faculty, professional staff and librarians of the nine four-year colleges and universities has served all parties well for the past thirty-five years. The behavior of the Farahi administration at **local negotiations** must serve as a warning as to the severe consequences for our members, and ultimately for the students whom we serve, should the recommendation of the Task Force Report to eliminate statewide bargaining be implemented.

The assault on our terms and conditions of employment is extremely serious—both nationally and by the state of NJ! The potential impact on our salary, health care benefits and professionalism would be severe. Statewide collective bargaining is our best defense.

BE ACTIVE! PROTECT OUR RIGHTS!

Protest Injustice with Your Grievance

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Also,

"Claims of violation of procedure by any promotion or retention committee must have been reported to the President of the College/University by the individual grievant within twenty-one (21) days from the date on which such claimed violation took place or twenty-one (21) days from the date on which the individual grievant should have reasonably known of its occurrence. In the event of failure to report the occurrence within such twenty-one (21) day period, the matter may not be raised in any later grievance contesting the validity of such committee's recommendation or any action based thereon."

Know your rights. If you suspect your rights have been violated, you should contact the KFT Office immediately at 908-737-3925. ♦

State and Local Contempt for Bargaining Rights — in NJ

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Contempt for Documentation and the Peer Review Process

Another example at Kean is the issue of program coordinators compensation. After stalling from September 2010 to February 2011, the Administration finally admitted that it had 22-24 program coordinator positions, most of which have been filled and most of which receive three credits.

KFT proposed that we identify only those academic program coordinators who fulfill in part or in full the work previously performed by the department chairs and pay them the 3 credits compensation. All we proposed is that we codify the payment. The Kean negotiation team response is that it could not agree on the payment currently being paid even though the KFT was willing to concede that management has the right to determine whether an academic program coordinator is needed, whether it would continue from year to year, who would serve in the position and how long the person appointed would serve. **This inability to commit to writing what you are practicing is ominous for local negotiations.**

In response our ULF filed pertaining to the Presidential Award program, the Administration appears unwilling to settle on our proposal to use the Release Time for Research and Creative Works committee for peer review. We await special negotiations to hear the Administration's perspective further. From our preliminary discussion, the Vice President for Academic Affairs could scarcely disguise his contempt for what the KFT considers **peer-review**. ♦



Kean Federation of Teachers

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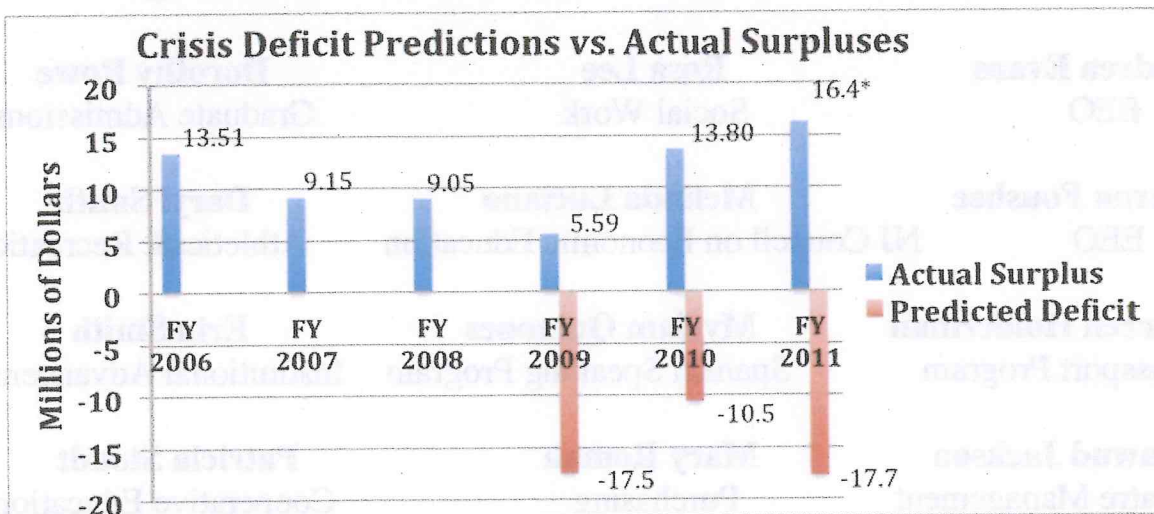
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Injustice Cannot Be Rationalized

For each the past five years, Kean University has ended its fiscal year with a substantial surplus,¹ and once again, an even larger surplus of \$16.4 million is forecast for FY 2011.² Yet, for three years, whopping deficits have been predicted to justify the implementation



of Draconian new policies at the end of each academic year. For FY 2009, the Administration implemented a major revision of class schedule over the protests of our students. For FY 2010, the Administration implemented its first crisis academic reorganization by eliminating “obsolete” majors such as Philosophy and Social Work and implementing “relevant” majors such as Sustainability. For FY 2011, the Administration implemented another crisis academic reorganization by eliminating most Departments and Department Chairs and instituting new academic units headed by Executive Directors; in addition, it laid off 12 of our highly experienced, dedicated, and most respected professional staff—all without following traditional governance procedures with the Faculty or negotiation with the Union. Layoffs also violate the spirit of our Memorandum of Agreement which expired January 1, 2011 and had traded wage freezes and furloughs for a no-layoff pledge. Unfortunately, many of our laid-off colleagues will face additional hardship. They will be forced to sacrifice their health benefits, even though they are within a few months or a few years of the 25-year eligibility requirement.

Crisis deficit predictions, when untrue, are not tolerable in an institution that claims to have integrity. Faculty, staff and students must not fall victim to administrative malfeasance.

We must pay tribute to our colleagues who have been laid off by protesting and reversing the horrific injustice they have been served. We must also preserve the integrity of academic freedom and collective bargaining that is being targeted for destruction at Kean, throughout New Jersey and in Wisconsin.

¹ All data is from the University's own audited financial reports, NJ Commission of HE's website, or data provided by the KU Administration.

² KU, Statement of Budget to Actual Variance Analysis—Current Unrestricted, July 1, 2010-January 25, 2011.

Protest the Injustice to Our Colleagues

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