

Bargaining Session 8
4/8/15, 8:30am

Union team:

Kay Emmert
Shawn Gilmore
Dennis Dullea
Christina de Angelo
Mary Hays
Sasha Mobley
Jen Burns
Meghan Bohardt, AFT
John Nadler, IFT

Management team:

Leslie Arvan, Director, LER
Rob Craddock, Assistant Director, LER
Heather Horn, LER
Deb Huisiuga, Assistant Dean, Social Work
Paul Witman
James Yoon, Department Head, Linguistics
Drew Slaucher, Admin aide

KE: Do you have anything to present to us?

LA: No, no. I know you had requested dates from us.

KE: Just to review, the summer dates will be: May 27 130-430, June 10 130-430, June 24 130-430, July 15 130-430. I just want to mention that some of us have to teach by 11. We would like to move this along quickly, with a stopping point of 1030. Are there any other dates you can offer for July?

LA: Yes, we'll take a look at that.

KE: We only have a few things planned. We talked last time about getting your economic proposals? Is there a new ETA on that?

LA: No.

KE: First, I would like to read for the record this statement. [passes out to Admin team]
It's a memorandum of record to Leslie Arvan from Kay Emmert , "During the previous bargaining session on March 11, 2015, we had some discussion on the administration's intention with the repeated footer, "The University reserves the right to add to, delete, or modify any proposal."

We want the Union's position on this footer to be very clear: we expect the University to adhere to the requirement in the Illinois Educational Labor Relations Act to bargain in good faith, which includes, among other things, the prohibition against regressive bargaining.

If at any time the Union feels the administration's bargaining team has violated this legal requirement the Union shall consider litigation under the IELRA to preserve its rights."

Any questions?

LA: I would just say that I understand what you are saying. We absolutely deny that we are engaging in regressive bargaining. This mirrors the language at UIC. We don't engage in regressive bargaining and we don't intend to.

KE: This is new to us and new to bargaining in general. We just wanted to make our position clear.

LA: Surely you're not saying that we can't change things in the proposals as we pass them across the table.

JN: You are not saying that you will only make progressive changes. You say any change, which is clearly illegal.

LA: Very good.

KE: Let's look at the proposals. It took quite a long time to compare line by line.... We will start with recognition. Line six, we will use ours because they have line numbers. In line 6 the main difference is that we use the word "sole" vs. "exclusive". In line 7, we didn't see a huge difference; we understood that to be implied. We included a paragraph on exclusions and yours does not. We would like to propose accepting your language on recognition, with and addition of the certification from IELRB as an appendix.

LA: To state for the record, CFA is indicating they would be willing to accept employers' language on recognition as long as we attach the certification as an appendix.

RC: If the duties change of a position that we no longer agree is appropriate for the unit, can we still file with LRB or does including the exclusion clause mean that we have to bargain that?

....

KE: I would like to move on to the Purpose statements. There are substantive differences in the two proposals. First, we include a Preamble. The reason we chose this and want to keep it is we want to keep some kind of statement of spirit, so that this is not based strictly on conflict in the typical admin vs. union, but more collaborative. We want this to be a relationship of trust and respect For the benefit of learning and labor.... We would like to know why you don't want to include it?

LA: We can talk about it in caucus. We see this as a contract about wages, hours, and conditions of employment, and we don't find the need to include it.

KE: This is the only faculty union at UIUC, this is going to set the tone for dealing with faculty, again, why would you not want to establish a relationship that's not just legally binding, but that's just and based on trust, why would you not want a statement on that?

LA: We do understand that we have a relationship with the union about wages, hours, and conditions of employment, we have other things that have statements on some of the other things you've proposed. The purpose of this document is wages, hours, conditions of employment...

KE: So, you're saying that you don't want to include it?

LA: I don't see the need for it.

KE: Why? This is the way for us to move forward in multiple ways. Currently, NTT can't take part in shared governance.

LA: Would this be subject to grievance? [Reads the preamble.] "It is the intent of the Union and the Board of Trustees to promote the quality and effectiveness of education at the University of Illinois in Urbana-Champaign. It is also our intent to promote the values of Learning and Labor as emblazoned in the UIUC seal, to provide high standards of academic excellence in all phases of instruction and research, and to facilitate productive and mutually beneficial relations between the Union and the University." Every word that we agree to is subject to grievance, so...

KE: To respond, why would you not want to fix problems if people feel they are not being respected, supported? We would encourage things go to an arbiter so that we can deal with these issues in the least costly manner. We don't understand why you wouldn't want to address these problems?

LA: We certainly want to solve problems at the lowest level. We don't agree that collective bargaining and grievance is the way to do it.

KE: We encourage people to take other venues, but this provides a guaranteed way to deal with issues. Well, I think we've talked this out enough.

KE: You do not include the language, "promotion of sound and mutually beneficial relations". Why did you take this out.

LA: We didn't take it out, we made a proposal.

KE: We put the language, "equitable and just". We have an interest in keeping the word "just".

LA: We didn't take it out, we just didn't propose it to you. What do you mean take it out.?

KE: we don't understand why you proposed different language after being presented with language. We see it as taking it out because you didn't include it in your proposal.

LA: OK.

KE: This takes us to "labor-management meetings". So, differences that we saw: end of line 7, we proposed once a semester, you proposed once a year. First question, why would you want to meet less? We have a concern of high turn over, which we want to address. We would want to set at minimum once a semester just to check in. Lines 8 and 9, you just say 2 individuals from labor relations and 2 from the union. We suggest that there be people from HR. We had a question about that. Is that intentional, that the university never intends to have someone outside of labor relations attend these meetings? We think if someone with more authority could attend we want to leave that open. ... Your second paragraph about the BOT, we wanted to have a conversation to make sure, there is a difference in hearing views and changing things. We want to be sure that it wouldn't be a change in policy that would affect employment conditions.

LA: I'm not sure I understand your last point there.

KE: We want to be sure that if the BOT makes changes that it wouldn't be a change in policy if it is something in the contract.

LA: We do understand that we will reach a collective bargaining agreement with you, and we can no longer negotiate conditions of employment with any person in the BU. We want to be sure that we would not be

KE: Did you have any other questions?

LA: I don't think so.

KE: That brings us to non-discrimination. We went through the list and tried to identify things in your language, things we include that you didn't. You did not include language about the university being an inclusive, diverse, respectful environment. We think it is important. It does influence the spirit of what follows. This kind of philosophical statement allows for us to have a landmark for this. In the list, you include one thing we don't. You use the word "color". We want to know what you mean by "color".

LA: We use that because we see that as something that has been a problem. It is part of the University's non-discrimination statement. There is the historical argument and the argument that it is included in other statements.

KE: We thought this was a more archaic term, we are not sure that this is the best language to use. Visa status, pregnancy, parenting status, physical traits, unfavorable discharge from military, criminal record are things we include that you don't. Then we also include intellectual and scholarly positions. We want to ask, about the 6 six items I've listed here, is there any reason you are choosing not to include them? Some of these things are common... We are interested in knowing ... we have concerns especially due to recent events, we would like to know. What kind of world are you trying to create? We want to create a world in which there isn't discrimination. Why would you want to leave it open to discriminate on groups of people in these ways? We included additional information links. Do you have an interest in keeping them in? In the appendix? Or do you want to take them out?

LA: Are you ready for me to respond. Generally, we also want to create a world in which we don't discriminate. We think we have a good record on that and we want to keep it up. We have an interest in clarity... visa status? I don't know what that means. We want clarity... When it is covered by federal or state statute, we have complied with that , we are not interested in covering groups of people that are ill-defined that is not addressed by federal or state law. Parenting status, with an arbitrator that could include with children or with out?

KE: We are looking at if there are issues of discrimination, we want there to be legal way to deal with this through grievance.

LA: Any grievance can go to arbitration; we have to be careful of that. Physical traits, we don't know what you mean by that. Criminal record, does that include arrest record? Or just criminal record?

KE: We can agree that clarity is important. That's why we have a definitions sections. Setting up what we mean. Just because you can't understand exactly what these definitions means, doesn't mean that they aren't something to include.

LA: Intellectual and scholarly positions or views, we believe that is academic freedom. We have a full and free standing article on that. We think that should be discussed then.

KE: That sounds like a reasonable statement. We can consider that. We would like to come to an agreement on recognition. I can look forward to hearing your other dates at our next session.

LA: You mean later today?

KE: I mean our next bargaining session. For brevity's sake.

LA: Robb was helpful in reminding me about attaching the labor board's certification as an appendix.

KE: We will consider that during caucus. What there anything else you wanted us to consider?

LA: Just the things from the discussion today.

Break for Caucus

[James Yoon no longer present after caucus.]

KE: we are close to time. We did have a productive discussion in the hallway during caucus. We would like to get a TA on the language you proposed. We thought it would be confusing to include some exclusions and not others. We would like to TA your language.

LA: I prepared a counterproposal. But you don't even want to see that?

KE: No, we just want to TA your language.

LA: OK

KE: I did want to bring up some other things.

LA: Going back to recognition. We are happy to TA our original language to you, we have both referenced the Board's order that does include exclusions. Those exclusions still exist, those mechanisms under IERLA still exist.

KE: We understand that this does not exclude those mechanisms. We would hope that if you decide to clarify the unit that you would come talk to us first. I did want to ask about adding the appendix.

LA: We would prefer not. We want the right to exclude. We feel that adding the appendix could be a limitation to what we just said, the automatic exclusions, etc. We don't want any confusion about whether our ability is limited.

KE: OK. I want to repeat this from the sidebar, including the labor boards ruling does not make any difference, it doesn't change anything.

LA: It doesn't change anything if it's included or not.

JN: It doesn't change anything.

KE: We are concerned that we would only bargain four times over the summer.

LA: Well, we have 3 sessions this semester...

KE: We feel that for the whole summer, four sessions are not enough. For next session, are you interested in continuing today's discussion or moving on to more proposals?

LA: It is your turn to give us something in writing now that we have proposed something.

KE: What do you mean?

LA: We replied, we look to you to give us counterproposal.

Jen: Can I ask a procedure clarification? We proposed language you didn't respond to, but you want us bring more language?

LA: We answered all your questions. I'm thinking about non-discrimination. We gave you language that is a response to your proposal....

JN: You didn't sign it and agree to it. We will consider that a rejection.

LA: That's fine. I guess.

KE: Next session we will discuss the three topics that we did not TA today. At our next session which is at 130pm.

LA: April 20th at 130

[Kay and Leslie sign Tentative Agreement on the Recognition proposal. Sasha Mobley took a photo of the signing for her record.]

JN: Leslie, are you ok with this. Sasha, are you planning on posting that or anything?

SM: I can not...

LA: I would prefer that you didn't. Thank you for asking.

JN: Ok, just want to be clear.