

TAUP Sets the Record Straight

TAUP has negotiated in good faith to move the contract negotiations forward. We are disappointed that management has chosen to mischaracterize our position and to misreport our words and actions at the bargaining table.

Temple President Ann Weaver Hart's letter dated August 13, 2009, which was sent to faculty members' homes, purports to be an up-to-date report on the latest developments in negotiations with TAUP. Unfortunately, President Hart continues management's pattern of direct dealing with members of the bargaining unit.

President Hart's letter says several things that are misleading and incorrect:

- Her characterization of TAUP's proposal on Fair Share (agency fee) is not accurate.
- She incorrectly claims that fair share is the only disagreement holding up a new contract.
- She puts words into the mouth of TAUP president Art Hochner that he never said.
- She accuses TAUP of not bargaining in good faith. She has never been at the bargaining table, and she has been misinformed.
- She reports that Temple has filed an unfair labor practice charge against TAUP for not bargaining in good faith. We find the charge frivolous.

Here is TAUP's side of the story:

On July 17 management's negotiating team sent TAUP a revised set of proposals. They included changes on some important issues. After working hard for more than a week, on July 27, the TAUP negotiating team put forth a package of proposals. We made significant modifications on many issues, including a new proposal on fair share. We asked the state mediator, Mark Lamont, to convey our view that we would prefer not to negotiate in public.

The two negotiating teams met face to face on August 3 and again on August 6. In those meetings, we made considerable progress. We signed tentative agreements on all noneconomic issues, save Fair Share. Those issues included Promotion & Tenure; Termination & Discipline of Faculty; Nontenure-Track Faculty Classifications; Prescription Benefits; Work-Life Balance; and Prestigious Fellowships and Awards.

TAUP asked Temple administration's team on August 3 what their response was to our July 27 proposal on Fair Share. Speaking for their team, University Counsel George Moore told us that they would discuss that in the context of the economic issues.

That is what we attempted to do. TAUP told the management team that we want to negotiate a package that includes all the issues, including fair share. Fair share is not the only remaining stumbling block to a deal. There are significant differences between the sides on economic issues, which we addressed at those bargaining sessions. (Read more about those differences below.)

TAUP never refused to negotiate the remaining economic issues. Our notes of the session on August 6 show that Art Hochner said, “We’re prepared to bridge all the differences.” He also objected to management’s efforts to reframe what he said and put words in his mouth. That session was halted by the state mediator.

Despite the implications of President Hart’s letter, TAUP consistently listened to and responded to every one of management’s concerns about fair share. But their current stance is simply to repeat the same old objections. On April 20, 2009, TAUP modified our fair share proposal, grandfathering out (excluding) all current nonmembers, covering only those newly entering the bargaining unit as of July 1, 2009. Our July 27 proposal dealt with all of management’s stated objections to fair share. Here is the actual wording:

D. Fair share fees

- 1. All those who are currently in the TAUP bargaining unit or are on leave from the bargaining unit (i.e., paid, unpaid or administrative leave) will be exempt from being assessed any fair share fees.*
- 2. TAUP shall be authorized to collect a fair share fee, calculated in accordance with applicable law, from all those newly entering the bargaining unit as of or after July 1, 2009.*
- 3. Bargaining unit members who declare conscientious objection to the fair share fee, for any reason, shall be permitted to pay the equivalent of the fair share fee to any bona fide charity of their own choosing by payroll deduction through Temple. TAUP shall receive verification of such deductions.*
- 4. The provision calling for the 70% membership threshold will be deleted from the contract.*

Management rejected any change to the fair share provision of the contract, stating that their position “respects individual choice by current and future faculty members, especially in recognition of our understanding that approximately 40 percent of dues collected go to the state and national AFT organizations for their use.” In fact, the figure is 31 percent.

TAUP’s July 27 proposal is a direct response. No individual would be required to pay fees to TAUP or to any of its affiliates. Individuals would have complete freedom of choice to donate the equivalent amount to any charity they choose. This goes well beyond the legal requirements.

Under the Pennsylvania Public Employee Fair Share Act, conscientious objection is required only for religious objections. Religious conscientious objectors are allowed to contribute the equivalent of the fair share fee only to a nonreligious charity that the union agrees to. Under TAUP’s proposal conscientious objection would apply to any reason, including not wanting to pay anything to the union or any affiliate. TAUP’s proposal respects individual choice. In addition, unlike the current language in the contract, no individual would be subject to paying fees to the union when the union achieves 70% membership. As of June 30, 2009, there were 811 TAUP members out of 1,280 in the bargaining unit, or 63.4%.

President Hart’s letter calls the charitable options a “forced” choice and claims it would not be tax deductible. TAUP’s legal counsel, both locally and nationally, says that these voluntary choices are tax deductible and finds no precedents for Pres. Hart’s claim. Temple management failed to provide us with any rulings or decisions by the IRS or the courts on this issue, despite the long history of fair share provisions under Pennsylvania law and the laws of other states.

TAUP’s proposal on fair share is a reasonable one, based on the back and forth between the parties. Temple management has shown no flexibility. The administration takes the position that fair share is non-negotiable, yet they accuse TAUP of intransigence on this issue.

President Hart mentioned the dire financial situation facing Pennsylvania and higher education. Fair share does not cost the University anything. It is an important issue to TAUP. Fair share not only strengthens the union,

but it improves labor-management relations. Refusing to budge on it is a sign of disrespect. Almost every faculty union has fair share at universities in states that permit it, particularly in this section of the nation – including Rutgers, SUNY, CUNY, UMass, UConn, URI, UNH, UVT, UCincinnati, Kent State U, and the entire PA State System of Higher Education. TAUP is one of only three unions at Temple without fair share.

Because of the continued disagreement and impasse (both sides used this word to describe the state of affairs) on fair share, TAUP proposed a method for resolving the dispute. On August 6, we proposed to take this one issue to an independent arbitrator for a judgment. We believe this is a reasonable means to avoid further conflict and would clear the path to efforts to resolve the economic issues. We continue to believe that all issues should be resolved together, i.e., fair share in the context of the economic issues, as Mr. Moore put it across the table on August 3. Putting together a package of issues and proposals is very common in negotiation, especially as the two sides get closer to reaching a possible agreement. That is TAUP's approach. It is disappointing that management would mischaracterize our actions and attack us.

Regarding economic issues, we have told management what our concerns are, emphasizing key points in our July 27 package.

- Management wants a 5-year deal; TAUP thinks 3 years is prudent, given the uncertainties of the economic situation. Five years would lock us into all the terms of the contract, so no modifications could take place.
- Management says, via President Hart's letter, that the reopener for salary raises and merit pay in years 4 and 5 is "designed to protect the faculty;" TAUP thinks that if management wants to protect the faculty, they should propose a fair, guaranteed raise.
- Management states their compensation package totals 3.75%; however, too much of this is in "bonus" money, which does not increase base salaries. All increases proposed by TAUP go to base.
- Management proposes virtually no increases for minimum salaries for Instructors and Assistant Professors; TAUP notes that minimum salary levels mostly affect NTT faculty, of whom there are about 400, largely Instructors and Assistant Professors.
- Management proposes small changes to NTT pension contributions; TAUP wants the contributions to be up to 4.5% from the beginning of eligibility.
- Management wants total discretion to give additional compensation awards; TAUP wants transparent procedures and access for individuals to make requests for raises.
- Management wants to continue the practice of putting off raises for those promoted in rank until the following January; TAUP does not understand why raises are not immediate upon promotion.
- Management wants to keep the same merit procedure; TAUP thinks the procedure needs to be reformed to provide for more faculty input and transparency.

Thus far, in negotiations we have been able to achieve agreement on these key points:

- Maintaining chairs in the bargaining unit
- Revising promotion and tenure procedures
- Maintaining the current arrangements for health insurance premium sharing
- Adding work-life balance benefits
- Maintaining merit pay instead of an ill-defined pay-for-performance system
- Improving procedures for NTT appointment, reappointment, and promotion
- Creating a real sabbatical program
- Adding coverage for those awarded prestigious fellowships
- Improving discipline procedures and clarifying the meaning of "insubordination"
- Establishing a joint committee on diversity

In addition, Temple management's new proposals on some economic issues reflect movement toward TAUP's stands.

Indeed, it is because of TAUP's firm stances that we have achieved this much. Only by continuing to be reasonable and firm will we achieve more.

We do not understand why President Hart accuses TAUP of having "frustrated all of [her] efforts to advance negotiations." Much progress has been made. We do not like many of Temple's stances on the issues. But we are willing to negotiate on all issues. Temple Can Do Better.

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TAUP

Temple Association of University Professionals

1900 N 13th Street

Barton Hall Room A231

Philadelphia, PA 19122-6013

Phone: 215.763.2287 or 215.204.7641

Fax: 215.204.7645

email: taupaft@aol.com

web site: www.taup.org

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