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In this issue

Lecturers have issues?

Why do organizers do the things they do?

Do you know your bargaining ABCs?

► How Do We Develop Our Platform?

Elizabeth Axelson
2010 LEO Chief Negotiator

As members of a young union heading into what will be just our third contract negotiation, we know there are lots of conditions of employment that need improvement. We also know that the needs of lecturers across our three campuses and many colleges, schools, and departments are diverse and even sometimes at odds with each other. And we know, since they have told us so, that our Employer wants to cut its contribution to employee benefits and dispense with the 7% raise on the third major review. With Michigan's economy also in dire straits, the environment for contract negotiations is a complicated one.

So, how do we decide what the critical issues are for us this time around? And how do we figure out our positions on those issues? To meet these challenges, everyone's participation is essential. Here are some of the steps we have been taking and will be taking, with suggestions for how you can take part.

The Process of Building a Platform

The process of defining our bargaining issues and positions is unfolding within a series of events. At the LEO retreat in June, we brainstormed issues and formed an open bargaining committee consisting, at this point, of 19 members. We expect this committee to grow as we near bargaining in January 2010. The committee is particularly eager to add Lecturer Is and international Lecturers as members, since these groups appear to be underrepresented.

The bargaining committee has formed three sub-committees—on salary, benefits, and job security—to research the issues and make proposals. The mission of each group is to develop contract

goals within its area and to create alternative bargaining platform proposals to present to the LEO annual convention on October 24 in Dearborn. There, the membership will discuss the proposals and identify preferred options. The platform will be constructed from these proposals and will be presented to the membership for ratification at membership meetings on each campus in November. The sub-committees will then draft new contract language embodying the platform and these new articles will be ready for the bargaining team to present at bargaining in January.

Gathering Input on the Issues

A broad array of issues has surfaced through several channels of communication. LEO has conducted an on-line survey to find out what members care about. In addition, our organizers, officers, and stewards converse widely with members to see what is on their minds. Grievance cases also show us where members are experiencing problems. The Employer has also contributed to our list of issues with its proposals to cut benefits and refuse the 7% raise for a successful third major review. Our most common concerns, however, are basic—losing our jobs and cutbacks in our take home pay.

At the same time, an issue can affect just a small number of Employees but still cry out for attention due to the injustice of it. Most members, for example, are unconcerned about permanent residency visas, but for our international members this issue is paramount. Policies in the College of LSA in Ann Arbor currently make a mockery of these lecturers' successful performance reviews, their five-year contracts, and their "presumption of renewal" status. Our bargaining platform must address the needs of the majority and also the compelling needs of minorities within our ranks.

The Main Issues: Salary, Benefits, and Job Security

In the area of wages, our "shell game" campaign was resoundingly successful. However, the grievance clearly revealed that LEO needs to protect itself against efforts by the Employer to violate the terms of the Agreement through "creative" financing. The salary sub-committee is therefore considering proposals for new ways to calculate raises. In addition, merit pay is a topic that will have to be addressed. Members' views about and experiences with merit pay vary. Some lecturers, typically LIVs, regret the loss of their merit pay eligibility that ended when the Employer used the first contract as an excuse to eliminate it. Others worry that criteria for allocating it could be vague and could tend to exclude LIs. Still others receive merit pay now and are happy with it. From the Employer's side, the Provost has expressed interest in having some kind of merit pay system for lecturers.

As for benefits, we know the Employer plans to cut contributions to health benefits, with particularly drastic consequences for part-time Employees. The Employer is also proposing to disallow participation in the retirement program during the first year of employment. Again, these proposals would hurt our least secure, lowest paid members and power the revolving door that they are already caught in. The benefits sub-committee is crafting responses to resist these proposals.

Lastly, in the area of job security, beyond the issue of international lecturers, we recognize that all lecturers are too vulnerable to replacement by others in the name of changing standards and "program change." There are many ways to approach these issues—by specifying what constitutes program change, by strengthening "presumption of renewal," and by increasing opportunities for professional development. The job security sub-committee is also addressing what should happen after the second major review. Should a lecturer with ten years

of experience and two successful major reviews be subject to continuing reviews with no reward for success? We think not.

What You Can Do

Everyone's voice is important in this process of creating the bargaining platform. We all have to speak up for our issues and about our particular circumstances. At the same time, we need to be realistic, to acknowledge that we can't address everything that needs fixing in this one round of negotiations, and that our Employer's agenda seems to run counter to what we need.

In this environment, you can help to make the process work. You can participate in the debate by joining the bargaining committee, working on a sub-committee, and taking part in discussion at the annual convention and membership meetings this fall. These steps will help us find the right, well-reasoned positions to take in bargaining. That alone, however, won't be enough. In addition, you need to show your support for the Union, through actions such as talking to a Union representative, attending a department LEO meeting, signing a petition, wearing a t-shirt or a button, and taking part in rallies and actions. These actions show the Employer that we are strong and united, as they did in the "Shell Game" grievance. They will give us the muscle to win at the bargaining table.

For more information about the bargaining committees—or to volunteer to serve—email the committee chair, Jim Anderson, at jima@leounion.org.

To get into action, email Janella James (janellaj@leounion.org) or your campus chair: Ann Arbor—Marc Ammerlaan (mcammer@umich.edu) and Catherine Daligga (cdaligga@leounion.org); Dearborn—Sheryl Edwards (sheryl@leounion.org); Flint—Stevens Wandmacher (flintchair@leounion.org). Or call the LEO office at 734-995-1813.

► Why Do We Call, Email, and Visit You A Lot?

Janella James
LEO Chief Organizer

"Get involved." "Come to a meeting." "Become a steward." "We can't win if you don't show your support." As a member of LEO you hear these things all the time, but really—why? Why do we keep saying them? Why do we keep sending all those emails? Why do we show up randomly at your office door? Why do we call you before membership meetings? Why won't we just leave you alone?

The answer to these questions is both simple and complex. (This shouldn't surprise you—after all, you're an academic.)

Here is the simple answer: We do all of these things because we are a member-driven, grassroots organization. This means that even though we hire staff and have great leadership, all of our decisions are made by members. When it comes to gaining more job security, higher wages, and an overall better contract, the administration moves only when it sees the workforce (you!) invested in the organization.

Here is the complex answer: You have a busy life, and even though you support LEO (or have strong opinions about how LEO should be doing things differently), you don't make time to be part of the decision making process. I'm not wagging my finger or blaming you; I'm just laying out the problem. If you're busy and can't make it to meetings, and neither can your co-workers, then there are no members at the meetings, only staff and leadership, who are then left to make all the decisions. I want to let you in on something—they don't want to make decisions for you. These decisions affect your employment—for example what you get paid and how you get evaluated. They affect your everyday life. They are important and they get made whether you're there or not. When the leadership and staff are left to make these decisions for you they

may make ones that you don't like and you may get ticked off. This is a no-win situation. This is why we call you, stop by your office, and email you: we need you to come and make decisions.

Sure, we have some Super Activists. They come to tons of meetings, they put many volunteer hours into LEO, and our organization is much stronger because of them. We wouldn't be where we are today without them.

We aren't asking you to become a Super Activist. (OK, maybe we are asking some of you to become Super Activists, but not all of you.) We are asking you to become a responsible LEO member by giving a few hours of time each semester to the organization that makes decisions about your employment.

With a few hours of time, here's what you can do:

- Keep up to date by reading LEO emails and newsletters. Really, it won't take you long.
- Talk with your co-workers about the issues of LEO, especially the ones that affect you. This will give you a chance to understand the issues from a different perspective and to get to know the people who do the same job as you.
- Attend meetings where decisions are made—the membership meeting each term on each campus and the annual convention in the fall. The dates are already set, so put them on your calendar today. LEO provides child care.
- Show your support by taking part in the current campaign. In the past year we have had people sign petitions, wear buttons, and attend rallies. These activities require little time of individual members, yet when many people take small steps in union, it makes an impressive statement.

If every member of LEO took a few hours a term to do the four things above we would have a strong membership, but that's not enough to accomplish our goals. We need

some people to be somewhat more involved and become stewards or activists. These members come to a few more meetings a semester, where they make decisions about the day-to-day work of LEO and help with research or strategic planning. If you feel strongly about what or how LEO should be doing, this is where you need to be. This is where we want you. Even taking the leap into this level of involvement doesn't mean becoming a Super Activist; it means taking a few more hours out of the semester.

If we are going to be strong as we go into negotiations this year, you need to see LEO as an organization that you are a part of—a place where your voice is important and where you go to make decisions about your work life. Make LEO your organization and thus ensure that LEO will be strong enough to bring about significant, positive change.

► Bargaining A to Z: What Do All of Those Terms Mean?

Kirsten Herold, Chief Negotiator,
2007-2010 Collective Bargaining
Agreement

Arbitration: The process by which the parties take a dispute about the interpretation of the contract to an outside party. The parties have to agree on the choice of arbitrator, whose ruling is binding on both parties.

Article: A main section of the contract, encompassing a major condition of employment and sub-divided into smaller sections. Typically each article is bargained separately, with an exception only in the case of a package, and in ascending order of complexity, with those involving money coming at the very end when public interest and the pressure to settle are greatest. Once bargaining of an article is complete, the chief negotiators for both sides sign it, indicating their agreement. Once signed, articles cannot be renegotiated—unless both sides agree that a later decision about something else in the contract makes it necessary to change the article.

Bargaining committee: In LEO's case, a large group representing various constituencies from all three campuses—schools and colleges, lecturer ranks, international lecturers, etc.—that helps develop proposals and advises the bargaining team.

Bargaining sessions: The negotiating meetings between the bargaining teams for both parties according to a predetermined schedule. LEO starts bargaining on January 22, with sessions meeting regularly on Fridays, 8am-6pm, after that. Later in the process, bargaining may continue into evenings and weekends. Some sessions are held in Flint and Dearborn, most in Ann Arbor.

Bargaining team: The group of people on each side who sit at the table at the bargaining sessions. However, typically only the two chief negotiators speak at the table, although individual team members may take responsibility for the presentation of a specific proposal.

Caucus: A closed meeting for a bargaining team, plus any guests, away from the bargaining table, where everyone can vent, discuss what just happened, draft counter proposals, and talk strategy—not to mention drink coffee or eat lunch. This is also a good opportunity for non-team members to ask questions about the bargaining session. When the parties come back to the table, the chief negotiator typically summarizes the discussion, usually in more polite terms!

Contract: The complete Agreement between Management and Union. (An employee's individual employment arrangement is called an "appointment.")

Chief negotiator: The individual who represents the viewpoint of the Union and, more specifically, his or her bargaining team in the bargaining session. Anything said at the table has legal force. The most common request is probably, "please explain the intent of this proposal." The other team's chief negotiator then explains why they have made the proposal, what problem it is supposed to remedy, how it is intended to work, etc. These comments may well be cited in later disputes (see grievances).

At the same time, the chief negotiator's job is also to make a good-faith attempt to reach an agreement. So he or she needs to listen carefully to the other side and build a reasonable relationship with the other team's chief negotiator. And the chief negotiator needs to be truthful—for instance, Management cannot tell us, "we cannot afford your wage proposal," when it is really a matter of not wanting to spend the money in this particular way. This is why you sometimes hear rude remarks like "we have no interest in going this route"—because that is in fact the truth.

Fact-finding: A process ordered by MERC after a mediator has failed to resolve an impasse. This situation should be avoided by unions.

For discussion only proposal: A trial balloon enabling the teams to discuss a different approach to an issue, for example, without committing the side who made the proposal. In this case, regressive bargaining could occur.

Good-faith bargaining: The process by which the two sides make every reasonable effort to reach agreement. By law, both parties need to bargain mandatory subjects in good faith, i.e. be honestly motivated to reach agreement. Of course, either side may reject a proposal, but neither side can simply reject everything the other side proposes.

Ground rules: The rules that are usually negotiated ahead of time regarding such issues as team size, non-team member attendance, press presence at sessions (none!), timelines, etc.

Impasse: The situation where bargaining breaks down and one or both sides conclude that no agreement is possible. At this point, the parties may agree to mediation and identify an independent mediator, or one side may contact MERC to assign a mediator.

Mandatory subjects of bargaining: The “terms and conditions of employment,” such as wages (including benefits) and hours that are required by law to be negotiated. To refuse to bargain a mandatory subject is illegal and will draw an unfair labor practice charge.

Mediator: The individual chosen by the two sides or appointed by MERC to resolve an impasse.

MERC (Michigan Employment Relations Commission): The state government body that oversees all union matters, including certification, elections, bargaining, and bargaining unit questions (such as who belongs

in the union). Disputes taken to MERC often end up in front of one of the three administrative law judges and typically take awhile given the backlog of cases.

MoU (Memorandum of Understanding): A legally binding addendum to/modification of the contract, typically applying only to one group of employees, say in one School or College, or even to just one individual. MoUs applying to more than one individual can be found at the end of the printed contract.

Note taker: A person from each team in charge of taking full and accurate notes at each bargaining session. This is generally a paid job and is grueling and demanding. These notes become part of the permanent record. (Some negotiations share a note taker, but this can mean that they spend more time bargaining the content of the notes than the content of the contract.)

No-strike clause: An article in the contract that commits employees not to engage in any kind of labor stoppage during the life of the contract. This is why most strikes take place after the contract has expired.

Package: The bundling of proposals into one package. Examples include “we will give you a 5% raise if you accept greater cost sharing on health care.” Or “we will give everyone summer benefits if you will accept later notice dates about employment for next year.” This approach is usually used by Management late in the bargaining process to get a lot of issues settled at once. In theory at least, each side gains and gives up something.

PERA (Public Employment Relations Act): The law that gives public employees in Michigan the right to form unions and bargain collectively (passed in 1947).

Permissive subject of bargaining: A subject that may be bargained, provided both parties agree to it. Union dues structure and the grievance process are two examples. MERC does not intervene in permissive subjects.

Proposals: Anything that is put across the table. Proposals are legally binding; once they have been made, there is no going back. The two exceptions are when a group of proposals are presented as a package or labeled as “for discussion only.”

Ratification vote: The vote by the Union membership on the Tentative Agreement once it is reached. The Union leadership is obligated to back the Tentative Agreement (or that would be an unfair labor practice). If the Tentative Agreement is not ratified by a majority of voting members, the parties need to go back to the table.

Regressive bargaining: A decision by a party to take back a proposal. Such a decision is a sign of bad faith bargaining and is grounds for an Unfair Labor Practice. Fortunately this happens rarely.

Sidebar: An “off the record” discussion between the two chief negotiators away from the bargaining table. A sidebar allows for a more frank discussion. However, since the rest of the team and the note taker are not present, no official record of the discussion exists, which can lead to misunderstandings and disputes later on.

Tentative Agreement: The intended product of the bargaining process. The Tentative Agreement then needs to be ratified by the union membership.

Unfair Labor Practice: A complaint filed with MERC by one of the two parties, alleging that the other party has violated PERA, for instance by refusing to bargain a mandatory subject, by engaging in a labor stoppage during the life of a contract, or appointing people in non-bargaining unit titles to get around the contract.