

► What Are Negotiations Like?

Greg Sax and Kirsten Herold

Greg Sax is a Lecturer II in the Ann Arbor Philosophy Department. Though he has been a lecturer since before LEO's inception and a union member since then, he has only recently become active in LEO. Kirsten Herold is a Lecturer II in the Ann Arbor English Department, has been active in LEO since the initial organizing campaign, and has served as Campus Organizer, Campus Chair, Vice President, and Acting President. She was chief negotiator for LEO's second contract. Greg and Kirsten recently sat down to talk about the bargaining process.

For definitions of bargaining terminology, see "Bargaining A to Z" in this issue.



GS: Lecturers' current contract expires in May 2010, and that means that LEO must bargain with Management for a new one. So, just what does that involve? What exactly is bargaining?

KH: On the surface, it is a conversation between equals. And I think many of our members who attend bargaining sessions are surprised to learn that it is actually a fairly formal process. You have two bargaining teams that sit at a big table across from each other, with one chief negotiator who does the talking for each side. The sides exchange proposals, explain their proposals, and answer questions about them. Everything that gets said is written down, and usually the tone is quite polite. Then, during caucuses, the parties go into their own rooms, and at that point the rest of the team weighs in with their reactions to what just happened at the table, drafts counterproposals, and talks strategy for the next session.

This process is governed by law (under PERA, the Public Employees Relation Act, which gives public employees the right to bargain collectively) and that the parties have to bargain in good faith. So you can't bargain regressively—for example, they offer a 5% raise, and then take it back and say "NO, we will only give you 2%." And we can't say "we will accept A if you give us B," only to say later "now that you have given us B, we have no interest in A." There is also a process of mediation and fact-finding in case an impasse is reached—not that we would ever want to get to that point.

However, just under the surface the process is confrontational. It's rule-governed, but it's still power politics...with surprisingly little rational argumentation. And, Management has all of the real, institutional power.

Still, we've been pretty successful in our previous negotiations. Before the first contract, starting salaries in Flint and Dearborn were \$14,000-16,000 for a 4-4 teaching load, and most people had benefits only when they taught, so not in the summer. Now starting salaries are in the mid-twenties—still too low, but better. In bargaining for our current contract, we've won automatic summer benefits, long-term disability and sick pay for LIIs, and professional development money. All these gains had to be fought for.

GS: If bargaining is an exercise in power politics, and they have all the power, as you say, then how did we manage to win all those improvements?

KH: Our only real tool is the threat of a job action. That means that every past success, and any possibility of future success, depends on that threat being credible and, thus, on our being able to demonstrate a unified, tightly knit membership. For example, Management knows from payroll data exactly what percentage of lecturers are union members, which tells them something about whether we are capable of pulling off a strike. That's why it's so important for lecturers to join the union. Even if you have no time or interest in active participation, it's essential to sign the membership card.

It also turns out to be a very effective demonstration of strength when lecturers attend bargaining sessions, especially when the faces that Management sees are continually changing. When they see that the workers are actually interested in the negotiations, they understand that the Union is more than the few activists they know only too well. So, the more people they see, the stronger our position.

GS: I don't mean to sound naïve, but why must we go through this sort of confrontational process and try to force Management to provide relatively small raises and fairly

minimal job protection? Or, to put my question another way: why aren't they nicer to us?

KF: You're right. There is a lot of nastiness on their part. On the one hand you see a very polite tone, then on the other hand remarks showing a condescending and antagonistic attitude toward us.

GS: I asked about niceness, or its lack, because I was thinking about the recent salary grievance in Ann Arbor. They had agreed to give us the average tenure-track faculty increase, but instead they shifted money among accounts in order to give us the "average" of an artificially small sum. It was because of my...well...dismay at this deliberate deception, such underhanded hostility, that I became more active in union affairs.

KH: That's right. I think they did try to cheat us.

GS: I find their attitude so puzzling. Why does a public university, a non-profit entity, act so much like a profit-maximizing corporation in viewing our interests antagonistically?

KH: Why? Because they think they can get away with it. In the case of the salary episode, they might have succeeded. After all, they didn't inform us they were deliberately moving funds around in order to avoid paying the salaries they agreed on. We had to figure out that something fishy was going on, do our own financial analyses, and pressure them to release the information through a FOIA (Freedom of Information Act) request, which took almost six months to accomplish.

GS: OK, but even if they thought they could get away with secretly withholding a part of our salaries, why on earth should they want to? It's not like they could put the money in their own pockets.

KH: At least in case of the salary grievance, I am pretty sure they don't think they did anything wrong. They decided that it was in the University's best interest to spend the money on faculty "superstars." So, that's what they did—never mind the violation of a legally binding contract.

But the important point here, don't forget, is that we won the grievance and got everyone a raise, but only because we were able to demonstrate our collective strength.

GS: Lecturers think of themselves as playing an essential role in the life and mission of the University because we are the faculty that does much of the teaching, especially of undergraduates. In LSA we teach about 40% of the undergraduate credit hours, much more in departments like Sociology and the languages. And nationwide over 70% of student credit hours are taught by contingent labor, a number that keeps going up. At the same time, the University continually trumpets the importance of, and its dedication to, the project of educating undergraduates. And yet in reality they view us, not as professional members of the institution, but as cheap, disposable casual labor.

KH: That's very true. I think it comes as a shock to our members to realize that Management views us this way. And that's why they don't want to give us much of anything. That's also why, in spite of the generally polite tone in bargaining sessions, our members are often surprised by the condescending remarks at the table. For example, a Management team member once said, "we don't like to exploit people on a long-term basis"—his justification for refusing to agree to improvements in our poor job security. Or, for another example, we give them a carefully thought-out proposal on performance evaluation, and they respond by crossing out the entire proposal, saying "we have no interest in that" and refusing to give any reasons. And whenever we make the case that we should be paid better, say, by comparing our salaries to public school teachers', their response is that they have no trouble filling positions at the current salaries (even though that's not true) and that the comparison to public school teachers is not a "relevant model."

GS: I seem to have gotten us off of the topic. So, to get back to the details, who is actually on the two bargaining teams? Do we bargain with the Provost?

KH: (Laughs) Hardly! We are a very small blip on her radar! At least until we cost her money. Each team has 12-14 members. Their team is all the HR people, many of whom are lawyers, and a few faculty, often people who run departments or programs that employ lecturers. In addition, they have a team of financial analysts and benefits experts back in their caucus room whom we never see. And like us, they have at least two people from Flint and Dearborn each. All of our team members, however, are volunteers. We try to have all lecturer levels represented. Their chief negotiator in the upcoming bargaining sessions will be a lawyer from the General Councils' Office. Ours will be Elizabeth Axelson, a Lecturer IV from the English Language Institute.

GS: Hmm...so it's David v. Goliath, a depressing situation.

KH: Yes and no. Sure, they have the institutional power behind them, they make a lot more money than we do—most of them are paid well over \$100,000—and they have much higher-prestige positions in the University. But we hold our own pretty nicely, if I may say so. I don't think any members come away from bargaining thinking Management is smarter than we are! We have some very talented members for sure. Some of us also have quite a bit of expertise from previous rounds. We also have access to various resources from AFT at the state and national levels, which can be extremely helpful. And we have a kind of engagement with the issues that they lack because we're fighting for our own employment conditions. So it is very personal for us, and that's what motivates us.

Also, we build coalitions with other campus groups: tenure-track faculty, GEO, other unions, student groups like SOLE and MSA, and elected officials. So we have power too! But the biggest part is of course our member power. The way I like to put it is that the bargaining team is the wedge, and the membership is the hammer. A wedge without a hammer doesn't split many logs.

GS: So you're saying that Management needs to see the hammer.

KH: Absolutely, that's part of building a credible threat.

GS: I don't know how many lecturers know the details, but it is already quite clear that Management will begin the bargaining process with a pretty egregious demand. Tell us how bad their opening position will be.

KH: This year we know that we will face a demand for a huge cut in compensation. How bad will it be? We know they will ask us to move from an 80-20% split in health insurance premiums to a 70-30% split. That will be a 50% increase in health care costs for the average lecturer—\$800-900 a person—and so a decrease in take-home pay. For those who insure several family members or use their insurance a lot, it will be much more. They also have a horrible proposal for benefits-eligible part-timers (those between 50 and 79.9% appointments) to pay even more for their health care. So, we are really in a defensive position, trying to protect the gains that we had already secured.

GS: It's nice to be appreciated.... So, if LEO doesn't hang tough, then in effect we'll all see a serious pay cut next year.

KH: Yes. The bottom line that I have learned over the last five years is this: arguments don't win good contracts; membership involvement does.

GS: I'll claim the last word here: sign the card!

To check if you are a member of LEO or to find out about attending a bargaining session, email Janella James at janella@leounion.org or call the LEO office at 734-995-1813.