

AAUP News

Cleveland State University Chapter

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Welcome to the 2009-2010 school year!

Beth Cagan, AAUP president

In many ways, last year was a difficult one for all of us as the economy continued to erode and fears of losing ground –and jobs—seemed possible. Over the summer, our members ratified a one-year extension of the 2006-2009 contract, by a large majority, despite the absence of raises. But we did get our \$1,000 Professional Development Funds, and those faculty promoted in the spring got the increases they were due. Grievances were at an all-time high during spring and summer, with numerous complaints about unfair workload and heavy-handed treatment by administrators, particularly at top levels. And the Bargaining Council is continuing its work on new contract language, so that we will be in a stronger position to deal with all these issues when contract negotiations begin later this year.

New Faculty Reception: Tuesday, Sept. 29 at noon. Parker Hannifin 103

Fall Chapter Meeting will held Thursday, October 29 at noon. Location TBA

We are learning over and over that we are stronger when we stand together --and when there is a real sense of participation in and ownership of the union. The survey we sent out before agreeing to the contract extension showed a high level of satisfaction from the membership about the activities and accomplishments of the AAUP. We intend to build on this support.

Note: One accomplishment of the AAUP is the sick leave bank. You will be receiving information from HR about how to sign up for it for this year. It's a way of sharing benefits –from those who have more sick leave than they'll ever use to those who need sick leave but haven't accumulated enough. Consider signing up.

A Message from the CSU-AAUP Grievance Officer

Welcome to all new and returning faculty

The CSU-AAUP grievance officer would like to remind you that you have rights in the workplace guaranteed by the Collective Bargaining Agreement.

As budgets tighten, you may find the Administration asking you to do more work for less, attempting to increase your teaching load, or making it difficult for you to use resources guaranteed by the CBA.

If you are facing a situation in your workplace that you find unfair, please feel contact the CSU-AAUP Chief Grievance Officer, Jeff Karem (216-687-6872; f.karem@csuohio.edu). There are three of us ready to assist you (Jeremy Genovese and Cheryl Bracken are associate grievance officers). We want to remind all faculty, especially new and untenured members, that consultation with a grievance officer is protected by both the CBA and by Ohio State law.

Protect your rights, and have a great year!

Policy on Nonmember Objector Fees (Annual Reminder)

Applicable law provides that although employees represented by a union for the purpose of collective bargaining and related activities are not required to be members of the union, they may still be required to pay their fair share of the costs of operating the union. The Cleveland State University chapter of the American Association of University Professors (CSU-AAUP, the "Union") policy in complying with the law, including Ohio Revised Code Section 4117.09, is as follows:

1. Employees who are not members of the Union, but who pay financial core fees, may request an adjustment in that fee based on their objection to Union expenditures they believe are not reasonably related to collective bargaining, contract administration, and grievance adjustment.

2. If you wish to object, the objection must be made within forty-five (45) calendar days of the date of this instrument. This notice normally will be sent in September of each year. It also will be provided at such other times as required by law. If the objection is timely filed, the advance reduction in the objector's fee shall be effective for that calendar year, and will be based upon the Union's expenditures for the preceding fiscal year (August 1 – July 31). Unless objections are made during the 45-day window period, there will be no adjustment of fees for that academic year; you will be charged the normal full monthly dues amount. Objections must be made on an individual basis only. No group objections will be considered. Objections must be renewed annually; there can be no rolling objections.

3. The financial core fee payable by objectors will be based on the Union's expenditures for those activities or projects normally or reasonably undertaken by the Union to advance the employment-related interests of the employees it represents or are otherwise germane to collective bargaining. These are referred to as "chargeable" expenditures.

4. Chargeable expenditures include but are not limited to collective bargaining, contract administration, and grievance-arbitration. "Nonchargeable" expenditures include but are not limited to those in support of partisan politics or ideological causes not germane to the work of employee organization in the realm of collective bargaining at Cleveland State University. The far majority of non chargeable fees relate to dues paid by the CSU chapter at the state and national level, which support many long-term goals of the AAUP.

In the preceding fiscal year (August 1 2008 – July 31 2009), a minimum of **52.2%** of the Union's expenditures was made for chargeable activities. 47.8% was spent on non-chargeable activities. Therefore, nonmembers who file objections will be charged 52.2% of the normal full Union dues amount during

this academic year.

However, in order to be charged the adjusted amount, you must send the Union a written objection within the time limits described herein. Otherwise, you will be charged the full dues amount. Questions on this process may be directed to the Treasurer, Bob Krebs (r.krebs@csuohio.edu; ext. 7553).

5. If you further wish to question the objector fee calculations, the Union will send you a full explanation of the basis for the fee charged to you. That explanation will include a detailed list of the categories of expenditures deemed to be chargeable and those deemed to be nonchargeable, and include the accountant's report showing the Union's expenditures on which the fee is based.

6. Following receipt of the information described in the previous paragraph, objectors will have thirty (30) calendar days in which to file a challenge with the Union to its calculation.

A. Preliminary Step: Executive Committee Review. The Union Executive Committee will hold a hearing on a challenge within thirty (30) days of the date the challenge is received by the Union. The purpose of the hearing is to allow the challengers to explain why they believe the reduced fee has not been properly determined. The Executive Committee will consider all the evidence and issue a written decision within thirty (30) calendar days of the hearing. The Executive Committee may direct that any or all of the challenges received be consolidated for hearing.

B. Request for Arbitration. Any challenger dissatisfied with the Executive Committee's decision may request a determination by an impartial arbitrator. The request must be in writing and must be received by the Union within fifteen (15) calendar days following receipt of the Executive Committee's decision. The request must specify the factual and/or other grounds upon which the challenger contests the Union's calculation of the chargeable fee and must state what portion of the chargeable fee the challenger disputes. Requests must identify the Union, must include the challenger's name, address, employer and social security number, and must be signed by the challenger. Requests may be made only on an individual basis. Group or class requests for arbitration are not allowed.

All challenges will then be consolidated into a single proceeding and submitted to an impartial arbitrator chosen in accordance with the American Arbitration Association's rules for impartial determination of union fees. A portion of the objector's fee equal to the amount which is challenged will be held in an interest-bearing escrow account while the objector pursues the challenge. The objector will be notified of the date, time, and place of the hearing. The objector and the Union will each bear all individually incurred costs in connection with

presenting the challenge (travel, witness fees, lost wages, etc.) and may split all arbitration fees. Objectors may, also at their own expense, be represented by counsel or other representatives of their choosing. A court reporter may make an official transcript of the hearing before the arbitrator. The decision of the arbitrator shall be final and binding to the extent permitted by law.

7. Objections, challenges, and any other correspondence must be sent to the Union at:

CSU-AAUP
1401/2 Keith Building
Cleveland State University
Cleveland, Ohio 44115

If you submit a letter of objection challenge or request for arbitration, please print and sign your name, address, employer, and social security number.



Q and A on Union Membership

Q. MyPay shows a deduction for the AAUP, and I don't recall signing a membership form. Am I a member?

A. All faculty hired after January 16, 2001 automatically have "fair share" fees withheld to pay for AAUP representation. These fees do *not* constitute membership in the CSU AAUP chapter. A membership form must be signed. The good news is that becoming a member does not increase the deduction. A bargain.

Q. I'm not a member but think I have a grievance? Will AAUP help?

A. Of course. AAUP represents all tenure track faculty except those in the College of Law. Call the Grievance Officer, Jeff Karem at extension 6872. Either he or an Associate Grievance Officer will talk to you. Timeliness is critical, so if you think you have a grievance, don't put off calling.

Q. Can one be penalized for AAUP membership?

A. Absolutely not, it would be a violation of state law. Let us know if you are told this. In fact, most service to the local, state and national AAUP counts as service for tenure and promotion (Article 38.9), a real positive.

Q. Can I accept an offer of part-time employment at another institution? It won't interfere with my CSU duties.

A. Be careful about outside employment! Run a small business? Work for another employer? A case recently handled by the AAUP's Grievance Office suggests that it is wise to read and comply with Article 28. Except for certain items (such as book reviews, keynote speeches, etc. for remuneration), prior written permission for outside employment must be obtained. While "such approval shall not be unreasonably denied," failure to obtain permission could have adverse consequences. If the outside employment involves teaching, it is especially important to follow the contract, as somewhat different rules apply. A faculty member recently was denied permission to teach a course at a local community college, a course he'd taught in the past with permission. Permission is not required for outside employment during the summer when a faculty member is not on contract. If in doubt, consult with both your Chair and the AAUP.

Bargaining Council Update

**Susan Slotnick,
Bargaining Council Chair**

The Bargaining Council spent the summer reviewing the contract, discussing possible changes and crafting the language for the proposed revisions.

We spent a fair amount of time fine-tuning the survey, analyzing the responses, and incorporating that information into the proposed revisions. The Bargaining Council will finish its work by the end of Fall Semester.

If you have any issues that you would like to be considered, please contact your College representative with the details (see next page).

AAUP News

*Cleveland State University Chapter
of the American Association of University
Professors*

140 1/2 Keith Building

(Voice) 216.687.4694

(FAX) 216.687.9311

(E-mail) aaup@csuohio.edu

Or

e.cagan@csuohio.edu

www.csuohio.edu/aaup/

Beth Cagan, President

Gary Pettey, Vice President

Robert Krebs, Treasurer

Susan Slotnick, Secretary

William Beasley, At Large

Jill Rudd, At Large

Jeff Karem, Grievance Officer

Jeremy Genovese, Asst Grievance Officer

Cheryl Bracken, Asst Grievance Officer

Gary Pettey, Communications Officer

Debra Golubski, Office Secretary

*The Bargaining Council is the Executive Committee
above plus:*

Ashutosh Dixit, College of Business, Marketing

Evan Lieberman, CLASS, Communication

Lutful Khan, College of Engineering , Civil Engineering

Monica Gordon Pershey, College of Science , Health Sciences

Allyson Robichaud , CLASS, Philosophy

*Diane Corrigan, College of Education, Curriculum &
Foundations*

Marilyn Weitzel , College of Education, Nursing

Donald Lindmark, College of Science, BGES

Paul Doerder, College of Science, BGES

Sonya Charles, CLASS, Philosophy

Note: if you have not signed a membership form, **you are not an active member**, you may not attend the meetings at which these issues are discussed, and are **not** eligible to be on the Bargaining Council or the Negotiating Team, and are not allowed to vote on the proposed contract.