



**UFF –FGCU CHAPTER MEETING  
MINUTES  
Monday November 19<sup>th</sup> , 2018 CC 247  
12:00-1 PM**

**Call to Order:** about 25 faculty attended. Members were present from all colleges.

**Reports:**

**Building stewards.** Nearly 20 UFF-FGCU members have volunteered and are being trained to be additional points of contact for UFF-FGCU with members. Their roles are to disseminate, and be a conduit of information between the Executive Committee and the membership. They are able to listen to potential grievants, and then encourage them to contact the grievance chair (Carolynne Gischel). They will refer suggestions and concerns regarding the CBA and bargaining to the bargaining team (currently chaired by Scott Michael).

**Advisors (being taken out of the bargaining unit) situation:** We tried to resolve this issue without having the lawyers involved, but were unsuccessful. The UFF-FEA lawyers have submitted to the Public Employee Relations Committee (PERC) to find sufficiency for the case to be heard. That sufficiency was determined to be adequate for PERC to hear the case on November 15<sup>th</sup> (see finding from General Counsel John Showalter here- [Sufficiency Shown for Unfair Labor Practice](#)). FGCU has 20 days to respond, and an evidentiary hearing will be scheduled within 45 days of that finding. As another update/reminder...

During the ratification vote process, we were contacted by the Administration and told that mention of the advisors had been stricken from the CBA to bring it into compliance with the new changes. We were told that if we did not agree, the contract would be pulled from the Trustees agenda, preventing ratification, and delaying or preventing the pay raises and other improvements to the contract we worked so hard for. It was at this time that the Executive committee consensus was to sign this agreement, and as a result Morgan T. Paine, co-President of UFF-FGCU resigned his Presidency for UFF-FGCU.

**President's report (Win Everham) cont:**

For the upcoming semester we would like focus on reviewing terms and conditions for instructors. We also have a requirement (in the recently approved CBA) that there will be regular studies for market, compression and inversion, and gender equity. We are not sure which should go first. Please contact the Labor and Management Team (co-chair BeeJay (Girimurugan, Dr Senthil Balaji [sgirimurugan@fgcu.edu](mailto:sgirimurugan@fgcu.edu)) or Mary Ann Zager.

**Treasurer report:** We shared the budget. As we wanted, all funds have been allocated. We have a small reserve for dispute resolution. We would also like to hire a 'forensic accountant' so we can be more informed at the bargaining table. In addition we may need to set aside some money to help pay for the market study, which, historically we have contracted out and split the cost with the administration.

**Uncompensated teaching:**

**Grievance and CBA updates:** (Carolynne Gischel) Carolynne clarified the details of the chapter grievance we filed August 31<sup>st</sup> for taking the advisors out of unit. The details of that event are copied below (this was sent to all membership earlier in November, 2018).

Timeline relevant to Step 2 Chapter Grievance:

Following are the dates and details supporting the union's actions related to filing of the Chapter Grievance, and explanation as to why the grievance is valid and not time-barred.

*It's important to note that although we are not moving forward with the grievance at this time, this decision has nothing to do with the University's claims regarding the validity or timeliness of the grievance. We have worked with the state UFF office and followed their guidance throughout this process. The rationale for filing the grievance when we did was to preserve our timeline and ability to pursue the grievance process if somehow we could not pursue the Unfair Labor Practice with PERC. As it turns out, the PERC process is proceeding according to expectations so there is no need to continue to pursue the grievance at this time.*

- August 1 – President Martin emailed announcement to all university confirming reclassification of advisors.
- August 20 – Advisors received new contracts in which they were reclassified as out of the bargaining unit.
- August 31 – UFF-FGCU filed Step 2 Chapter Grievance alleging FGCU administration changed the terms and conditions of employment for academic advisors without bargaining those changes.
- September 4 – The University's response to the grievance:



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“In response to the above-referenced grievance, and consistent with Article 2 (should have been Article 20), “No grievance shall be filed until the UFF-FGCU...has timely requested an informal resolution.” Notwithstanding, not only has the UFF failed to timely and properly file a grievance consistent with the Collective Bargaining Agreement (CBA), it has failed to accurately articulate the facts relevant to this grievance violation of the CBA. The University followed Article 27.6 of the Collective Bargaining Agreement. Consequently, the aforementioned grievance is time-barred”.

- The University’s response is inaccurate as the CBA states in Article 20.6.A.(2) that:

“If the alleged violation occurred outside the college/unit level (University Level) the grievance shall be filed at Step 2 instead of Step 1.”

Since the violation spanned across the University, the Step 1 Request for Informal Resolution is not required and the grievant should begin with a Step 2 Grievance, which is what we did.

- Also, we contend the grievance is not “time-barred” as the action resulting in the grievance occurred on August 20, and the grievance was filed on August 31, well within the 30-day timeline as required by the CBA in Article 20.

It’s important to note that although President Martin confirmed his intent to remove advisors from unit in his email dated August 1, we cannot grieve “intent.” We can only grieve action, and the first relevant action took place on August 20 with issuance of the new academic advisor contracts, putting our August 31 filing of the grievance well within the 30-day timeline.

In addition, even if the arbitrator were to rule that the 30-day clock began on August 1 with President Martin’s email confirming his intention to move forward with reassigning academic advisors (which is an unlikely ruling), we would still have been within the 30-day timeline as the grievance was filed on August 31. As a final note on the timeline, the Monday following was a holiday (Labor Day) which would have extended the 30-day timeline to Tuesday, September 4, putting us well within the 30-day timeline. This is all immaterial as the first University action took place on August 20, but is included here to show how far from accurate the University claim is that the grievance is time-barred.

- September 18 – UFF-FGCU filed a Step 3 Request for Arbitration. This request called for an arbitrator to rule on the University’s claim that the grievance was time-barred and ineligible as we began the grievance process at Step 2 instead of Step 1.

Violations on the PROCESS or procedures for evaluation can be grieved. We are working with Provost Llorens office to get all offices and pathways to address conflict resolution processes at FGCU on the same page as to how to help people navigate the process.

Article 16 disciplinary action now starts with a “coaching” process codified in a section that must be done before any “letter of instruction” is given. Make yourself aware of this new process by reading Article 16 of the new CBA ([CBA 2018-2021 with track changes](#)). It does not seem as if the administration has informed evaluators of this new process. Send any input to the grievance chair at [cgishel@fgcu.edu](mailto:cgishel@fgcu.edu)

The first “know your CBA” session went well. Tony Barringer was there for the administration and answered many of the questions that arose. The next session will likely be early in spring 2019 with a focus on innovations, academic freedom and works. We are looking to experts to invite. Please contact Carolynne if you have any suggestions or questions.

**Labor and Management:** The committee is convened and came up with some guidelines to help the units address “uncompensated teaching” since the new CBA obliges a policy to exist to address this situation in each unit by the end of the Academic year. Contact the leadership of your unit to learn about the progress and process of this important responsibility. L&M has decided to revisit the issue in one year to compare what has been proposed, and accomplished in the different Units (Colleges and schools).



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**Membership: (Erik Insko)** According to our best calculations and awareness, there are 438 in unit faculty, and 54% are UFF-FGCU members.

Here is a breakdown of UFF membership by college.

Library	100%
CAS	62%
Engineering	60%
Education	56%
Marieb	51%
LCOB	12%

University 54%

It is our goal to achieve 60% membership during the spring 2019 term so that we can remain above 50% come August when we again welcome new Faculty to FGCU. For that we need 24 new members. Note that the bargaining agenda is determined primarily by interests shared with the bargaining team by the membership.

There are additional benefits to UFF-FGCU membership besides helping set the bargaining agenda. Those can be found at [http://www.uff-fgcu.org/affiliation\\_benefits.html](http://www.uff-fgcu.org/affiliation_benefits.html)

The rest of the meeting was to hear ideas from, and brainstorm on bargaining issues for the upcoming session. Here are those notes:

<b>Instructor – terms and conditions</b>	<b>CBA – next priorities</b>
Scholarship expectations <ul style="list-style-type: none"> <li>• Annual eval</li> <li>• Course release for scholarship</li> <li>• Review FPED and PECAP documents</li> </ul>	Paid Parental Leave Intellectual property (innovations & works) Conflict of interest Wellcome Trust – harassment guidelines - antibullying Article 16 revisions
Types of instructor positions (w/ and w/out scholarship)	Additional promotion or merit opportunities for full professor and instructor III,
Impact on Professional Development resources	Merit-based pay especially when the expectation for scholarship for full professors (and Librarians) is pretty stringent.
Instructor III expectation to mentor <ul style="list-style-type: none"> <li>• time-consuming</li> <li>• possible course release</li> </ul>	How enrollment retention and persistence impacts (DWF rates) faculty evaluations
	CBA change to obligate faculty be informed on WEs (withdrawal with extenuating circumstances)

**Upcomig UFF-FGCU executive committee meetings:**

FGCU Day in Tally Feb 6<sup>th</sup>  
Spring meetings will likely be M or Wed 12-1 PM

**Good of the order:**