



protecting academic quality

November 5, 2008

TO: United Academics Bargaining Unit

FROM: Dan Krymkowski
UA Grievance Officer
Chair, UA Contract Administration Committee

RE: Update on Our Activities

The Contract Administration Committee (myself, David Shiman—UA President, Linda Berlin—Extension Faculty Member, and Steven Finner—Consultant) worked throughout the summer and has been busy this Fall as well. We discuss an issue or answer a faculty inquiry on almost a daily basis.

Of particular note are the attractive settlements we have recently negotiated for faculty who have come to us with serious issues. A summary of these situations follows.

- (1) UA filed an Unfair Labor Practice charge involving an Extension Faculty Member who was not reappointed, presumably because there was no further need for her work. However, UA subsequently learned that a new staff member was hired to do essentially the same job. We filed the Unfair Labor Practice on the grounds that the University cannot shift work out of the bargaining unit without negotiating with the union. Rather than face an Unfair Labor Practice Finding from the Vermont Labor Relations Board, the University agreed to provide the Extension Faculty Member with a very reasonable settlement.
- (2) UA filed a grievance in connection with a Research Faculty Member who requested a mid-year raise when he received a new grant allowing for such a raise. The University refused to provide it, arguing that raises are generally given only on a fiscal year basis. UA argued that past practice is not relevant, given that there is no “past practices” clause in the contract, and, further, that there was nothing in the contract that precluded an “off-cycle” raise. Although not agreeing with UA’s interpretation of the contract, the University did grant the faculty member his raise earlier than he otherwise would have received it.
- (3) UA conducted terminal year settlement talks for a faculty member who was not promoted.

- (4) UA filed a grievance asking the University for written justification for the non-reappointment of two Extension Faculty Members. Both of these faculty were recommended for reappointment by their colleagues, chairs, and Standards Committees, but the Dean decided not to reappoint them and gave no reasons at all for his decision. We are at present conducting settlement talks with the Provost's Office regarding this matter. However, since the University has refused to extend the deadline for advancing the grievance to the next step, we have sent it to the Vermont Labor Relations Board.
- (5) UA filed a grievance in connection with the University's failure to negotiate the impact of a recent change in Blue Cross/Blue Shield health insurance coverage for diabetics. This grievance has just been settled, in that we were able to negotiate reimbursement of diabetes related expenses for the July 1, 2008 – December 31, 2008 period for those faculty who have experienced large increases in their costs. In the future faculty will be able to structure their reimbursement accounts in ways that plan for these additional costs.
- (6) UA filed a grievance on behalf of a faculty member who was chastised in her annual review for utilizing contract-guaranteed sick leave. We argued that this was inappropriate, especially in a document that is supposed to address performance issues. The University agreed to settle this grievance by removing the objectionable text from the review.

Finally, we are assisting a faculty member who is being audited in connection with the disbursement of funds from a grant, we recently filed a grievance in connection with the denial of health care coverage for a faculty member, and we have helped to clarify new contract language with respect to Clinical Faculty. Regarding the latter, several Clinical Faculty expressed concern that new contract language requiring particular degrees for appointments at certain levels would result in their being demoted. We have been assured by the University that there will be no demotions.