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September/October 2004

# United Faculty of Florida *Update*

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## FAU Faculty Ratify First Contract with Trustees

Faculty at Florida Atlantic University (FAU) became the first in the state last spring to complete contract negotiations with a local board of trustees.

The new contract was ratified by more than 90 percent of the FAU faculty.

Prior to a change in university governance, faculty at Florida's 11 universities—including FAU—were covered under one statewide contract negotiated between the union and the state board of regents. Now separate contracts must be negotiated with local boards at each campus.

Boards of trustees at eight of the 11 universities—including FAU—voluntarily recognized United Faculty of Florida (UFF) as the collective bargaining agent after two-thirds of faculty statewide demonstrated support for the union. Recognition opened the door for bargaining at FAU.

"With the contract, faculty rights cannot be taken away by politicians and do not depend on the discretion of administrators," said Anita Pritchard, a professor of political science and president of the FAU faculty union.

"Providing a mechanism for legally protected rights that can-

not be altered by political circumstances in the state or factors in the local environment strengthens FAU's ability to retain and recruit faculty."

"The importance of preserving what faculty had before cannot be underestimated," Pritchard said.

Negotiators on both sides were committed to preserving existing rights during the period in which governance was transferred to the local board.

"We wanted faculty to feel confident that the choice to start a career at FAU was a good one and that the change in governance would not create uncertainties or hardships that would make them regret the decision to come to FAU," said UFF chief negotiator Tim Lenz.

In addition to preserving rights guaranteed in the previous statewide contract, the new agreement adds benefits that build on existing faculty rights.

**Contract highlights.** A promotion to the position of full professor now carries a 12 percent increase in pay (up from 9 percent in the previous contract).

The contract also includes more favorable language related to summer employment and travel pay to assignments away from the principal place of employment.

The new contract includes an increase in the level of funding for sabbaticals, as well as a rise in the number of full-pay sabbaticals. Additionally, librarians now are eligible for sabbaticals.

"The administration has acknowledged that low salaries are a problem at FAU," Lenz noted. "The contract we negotiated is a partial solution."

But Lenz acknowledged that it will take a multi-year salary plan to fix all of the deficiencies, many of which developed over a period of years.

"The administration is on record supporting a multi-year plan," Lenz said. "Now we have to make sure that next year's salary increase reflects our good intentions." The goal under discussion is to move up faculty salaries from the 18<sup>th</sup> to the 50<sup>th</sup> percentile nationally. ■

### *Inside this Issue*

UF Faculty Members Fight for Union Representation Bargaining Rights . . . . . page 2

Community College Faculty Unions Set Example for Successful Bargaining. . . . . page 3

From the UFF President. . . . . page 4

Campaign Update. . . . . page 6

# Faculty Members Fight for Union Representation, Bargaining Rights at the University of Florida

The battle for union representation rages on at the University of Florida as faculty continue to defend their rights amid persistent efforts by the administration and board of trustees to stonewall collective bargaining.

Despite the fact that more than 70 percent of UF faculty affirmed their support for union representation nearly two years ago, the board still refuses to recognize United Faculty of Florida (UFF).

“The stalling tactics employed by the board of trustees and administrators amount to a refusal to respect the principle of self-determination,” said UFF statewide President Tom Auxter, a professor of philosophy at the University of Florida. UFF has represented Florida faculty for nearly 27 years.

“Here at UF, faculty are committed to collective bargaining because it ensures a meaningful role in determining the fundamental terms and conditions of our employment,” said Kim Emery, an English professor and UF faculty union president.

“It also guarantees that once those terms have been agreed upon, they cannot be changed without the faculty’s consent,” she continued.

In December 2002, two-thirds of faculty members at all 11 of the state’s public universities, including UF, signed authorization cards in support of collective bargaining and UFF representation. The University of Florida is the only campus in the state that hasn’t recognized UFF as the bargaining agent to begin negotiating a new faculty contract.

“For faculty, the fundamental rights include things like tenure, academic freedom, peer evaluation, due process and intellectual property rights protections. These are close to our hearts because they are at the core of the university’s mission.”

Kim Emery  
President UF local chapter

“The signing of the cards by the required majority of UF faculty should have led to the recognition of UFF as the bargaining agent,” Auxter said. In fact, the boards at eight campuses recognized UFF as the faculty bargaining agent after the card authorization campaign.

On two campuses—the University of West Florida and Florida State University—the boards of trustees demanded state-supervised elections to settle the matter. Faculty on both campuses voted overwhelmingly (91 percent and 96 percent, respectively) for UFF.

## The Long Road to Bargaining

Although faculty members have the legal right under Florida law to vote on representation, the UF administration has used various tactics—including legal maneuvering and attempts to gerrymander the bargaining unit—to stall an election to reinstate faculty bargaining.

“The university has hired expensive lawyers to throw up roadblock after roadblock,” Auxter noted. “At a time that Florida is cutting funds for university programs, these administrators are paying lawyers hundreds of dollars per hour to prevent a faculty vote.”

Florida ranked 50<sup>th</sup> nationally last year in funding for higher education, Auxter pointed out.

One strategy the administration has used is to try to redefine the faculty bargaining unit.

“The administration has attempted to change the composition of the bargaining unit by including faculty who, historically, have not participated in collective bargaining,” Auxter said. “They’ve also spent thousands of dollars on legal hearings to try to strip the unit of faculty they know are strongly supportive of the union.”

For details on the anti-union campaign waged by UF administrators, see “Union Busting at UF Attracts National Attention,” in the *UFF Update*, summer edition online at [www.unitedfacultyofflorida.org](http://www.unitedfacultyofflorida.org).

“Faculty who had rights recognized under the statewide contract should not lose those rights simply because politicians engineered the ‘devolution’ from the state board to local boards,” noted Elizabeth Dale, a UF history professor with an affiliate appointment at the law school. Dale also serves as vice president of the local UFF chapter.

(See “UF faculty battle,” page 3)

# Community College Faculty Unions Set Example for Successful Bargaining

Dramatic jump in union membership, faculty participation lead to significant salary increases in community college faculty contracts

Faculty at Hillsborough Community College will get a whopping \$7,000 raise over three years.

The UFF faculty union at Hillsborough recently negotiated a three-year contract that also gives each faculty member \$540 for each year of service added into their salaries. For someone with 15 years of service, this could amount to a pay increase of \$15,000 over three years. (Raises are capped at \$74,000.)

The UFF faculty union at Broward Community College has been setting the pace for salary and ben-

efit settlements in the state for several years. This year, BCC will receive a compensation package with salary and benefit increases of 6.8 percent.

How do faculty unions at community colleges manage to get such impressive results in negotiations over salaries and benefits?

## The Key To Bargaining Success

The secret to getting results like this is membership.

Broward has had a membership of roughly two-thirds of the faculty for more than a decade. At times,

BCC has had membership as high as 80 percent.

The breakthroughs in negotiations correlate exactly with these high rates of member commitment and involvement.

Hillsborough has had membership at or near 50 percent for quite some time. The recent breakthrough in the three-year settlement comes at exactly the time of a dramatic increase in the membership rate to significantly above half of the faculty.

(See "Community colleges," page 8)

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## UF Faculty Battle *(from page 2)*

"The bargaining unit that existed at UF from 1976 to 2003 is no less appropriate in 2004, and the rights of faculty should remain as they were. The university's authority to negotiate should be transferred from the state to a local board."

Florida case law backs up this interpretation of the appropriateness of the "status quo," according to UFF's attorney Thomas Brooks. A change in the state organization (made by politicians) should not result in faculty (or any other category of public employee) losing rights.

UF administrators, however, have argued that they—not faculty—should determine which faculty are entitled to union representation. This is contradicted by Florida law, Auxter asserts.

"The law refers to 'an appropriate unit' for employees seeking representation, not 'the appropriate unit' as determined by administrators for whatever purposes they have," he explained. "In other words, the boss does not get to say which employees are allowed to have a union."

## Preserving the Faculty Contract

UFF has filed several petitions on behalf of faculty with the Public Employee Relations Commission (PERC)—the state board that determines employment issues for public employees—to push the administration to recognize the union or to prompt faculty elections.

In an effort to settle the unit composition issue, UFF proposed a "self-determination ballot" for faculty members not previously cov-

ered by a contract to decide whether and how they want representation in collective bargaining. A majority of law school faculty signed a petition seeking the right of self-determination, which lines up with UFF's position on the issue.

"This is significant because these faculty members, though not a part of the traditional bargaining unit, object to being used as pawns for anti-union objectives advanced by the administration," Auxter said. PERC is expected to issue a ruling on unit determination soon.

Auxter and Emery assert that faculty who have worked under the protections of a collectively bargained agreement cannot be forced by the board of trustees to surrender those rights against their will.

"UFF will go to the mat on this issue," Auxter vowed. ■

## Faculty Members React to Adversity with Activism

Attacks on faculty rights met with renewed commitment to bargaining, union

A new wave of activism has swept through Florida's university campuses over the past two years as faculty members struggle to defend their rights, academic freedom and excellence in the institutions where they work.

Despite efforts by politicians to use devolution of authority to local boards of trustees at the universities as a way to undermine faculty rights, decertify the union and nullify the statewide faculty contract, the United Faculty of Florida continues to survive and grow stronger.

Instead of destroying us, initiatives by politicians created a catalyst that mobilized faculty into action. Efforts to weaken our collective voice only served to make faculty determined to collect authorization cards for union representation with the new local boards.

As a result, more than two-thirds of faculty demonstrated their support for the union by signing cards all across the state. In the process, 1,000 additional faculty members joined the union.

After this overwhelming show of support, the faculty union has been certified locally at 10 of the 11 universities. Only two of the 10 boards of trustees insisted on a faculty certification election as additional proof of support after the cards were submitted.

At the University of West Florida, 91 percent of faculty members voted yes for union representation.

Some 96 percent of faculty at Florida State University affirmed their support for the union.

Unfortunately, the University of Florida is the only campus that continues to ignore the will of faculty. The local board of trustees has used legal maneuvers to disenfranchise faculty who have enjoyed the protection of collective bargaining for nearly three decades.

They have prevented these faculty members from holding a democratic election that would allow them to begin negotiating a new agreement at the local level.

An election could be ordered this year.

### Bargaining Update

**Good News at FAU.** Florida Atlantic University became the first university in the state to negotiate a new contract. The new local contract reinstates guarantees from the previous statewide contract and adds a number of improvements.

For example, the new contract includes greater salary upgrades for promotions and better language on sabbaticals.

But faculty on many campuses are in for an uphill battle. On several campuses, faculty bargaining new contracts face serious threats from boards that are controlled by politicians who want to redefine academic freedom and tenure and reduce the number of faculty eligible for raises.



**Tom Auxter**  
UFF president

### Graduate Assistants Recognized.

All three UFF locals representing graduate assistants have been officially recognized and are now bargaining with local boards. At University of South Florida and Florida A&M, negotiations involving graduate assistants have been ongoing. At the University of Florida, the board resisted certification initially but agreed to recognize the GAU union after more than 50 percent of 4,000 graduate assistants signed authorization cards. Bargaining is finally under way. Securing healthcare for graduate employees is a top priority.

### Community College Victories

The eight community colleges with contracts can build on the agreements that they already have with local boards. Although there

*(See "From the President," page 5)*

**“Instead of destroying us, initiatives by politicians created a catalyst that mobilized faculty into action. Efforts to weaken our collective voice only served to make faculty more determined. . . .”**

**Tom Auxter, UFF statewide President**

*(“From the President,” from page 4)*

is no direct threat to their existence, the political environment affects them as well.

The community colleges are a shining example to other higher education bargaining units. Their success is due, in large part, to their understanding of how high membership and effective local political action affects collective bargaining. As a result, the faculty unions in the community colleges have won strong public support for their goals over the years.

At St. Leo University, an independent institution where UFF has represented faculty in bargaining for 25 years, faculty are receiving a two-year salary increase of 9.5 percent. As we move beyond the certification and bargaining crises in the universities this year, we will organize the 18 community colleges where faculty are still without representation.

### **What Lies Ahead?**

**Increasing Membership. Building Strength.** On campuses throughout the state, we are bargaining several first-time contracts simultaneously—often with new and resistant boards appointed by anti-union politicians.

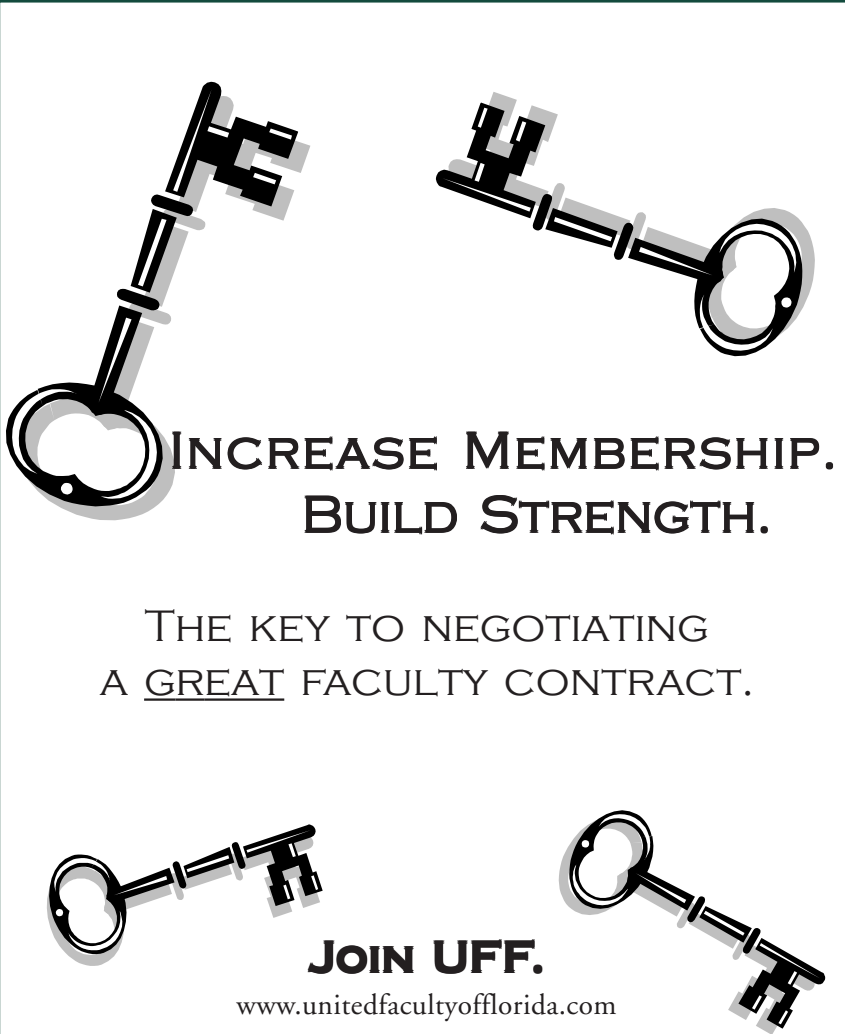
This has had the effect of stretching our human and financial resources to the limits. Perhaps this is one consequence hoped for by politicians. We must continue to increase membership and involvement and groom new leadership.

There is strength in numbers. It is essential that we expand membership so that we have the resources we need to respond to threats to the very existence of our union and our contract.

Local organizing efforts will make the difference in creating faculty support for strong contracts. Political action will change the environment that threatens our profession.

Join organizing and political action efforts on your campus. Contact UFF representatives to incorporate your ideas into a contract defending faculty rights, to file grievances enforcing the contract and to convince legislators to abandon radical plans that threaten the quality of higher education in our state.

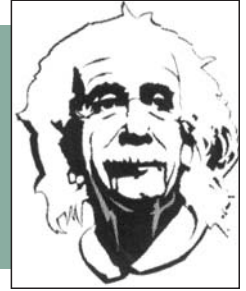
Join us in defending the integrity of our profession. ■



**INCREASE MEMBERSHIP.  
BUILD STRENGTH.**

THE KEY TO NEGOTIATING  
A GREAT FACULTY CONTRACT.

**JOIN UFF.**  
[www.unitedfacultyofflorida.com](http://www.unitedfacultyofflorida.com)



## A Stronger Faculty Union Means Stronger Protections for Faculty Rights

“Membership strength and membership growth are *the* key factors in successfully negotiating great contracts at each of our university campuses,” said UFF president Tom Auxter.

Making the connection between protecting faculty rights and a strong faculty union is vitally important, Auxter said. And a strong faculty union begins with increased membership.

“A strong organization enjoys a broad base of membership,” Auxter explained. “And management knows our relative strength. The stronger we are the sooner we will settle our contracts and the better we will do.”

Auxter has been speaking with faculty leaders across the state who are making a commitment to membership growth. This membership drive is running in conjunction with negotiations on new local contracts to replace the statewide agreement, which expired in January 2003.

The expiration of the statewide agreement resulted in faculty losing their collective bargaining rights. Since then, faculty and professional staff at 10 of 11 universities have regained their right to return to the table.

At the University of Florida (UF), the only campus where bargaining has not been restored, faculty are awaiting a unit determination rul-

ing from the Public Employee Relations Commission (PERC) in anticipation of a representational election. The unit at UF has been tied up in PERC hearings for nearly two years.

The UFF Organizing Project is coordinating the membership drive with chapter leaders at the 11 universities statewide. Project represen-

Studies have shown that there is a connection between membership support and contract gains. At universities where membership strength is high, contracts produce better salaries and greater gains at the table.

Greater membership strength means that university management will take bargaining teams and

“... there is a connection between membership support and contract gains. At universities where membership strength is high, contracts produce better salaries and greater gains at the table.”

tatives Brennan Dorn (South Florida), Candi Churchill (Central Florida), and Shawndra Merriweather (Northern tier) are assigned to work with chapter leaders to plan membership recruitment and pressure campaigns to promote settlements on the new contracts.

“The concept behind the organizing campaign is to build membership in support of the bargaining efforts,” explains Auxter, “while the pressure campaigns to push university managers to settle the contracts activate faculty members, bringing them to understand the importance of membership as a show of support for the union. Each activity flows from the other.”

union proposals more seriously. It means that UFF will have more leverage at the table. It also means that faculty voices will be heard and they’ll have a greater say in their economic futures. And greater strength also means greater influence in the political arena.

“At each university, administrators are putting our local leaders to the test,” Auxter concluded. “They are testing our commitment and our resolve. If we show weakness, then they gain the advantage at the table.

“Membership support is a big part of that. If we grow in strength, that’s when we make our greatest gains.” ■

The battle for a great faculty contract is one that we can't afford to lose.  
Our contract is the only guarantee that protects:

- salary raises, equity raises
- tenure
- sabbaticals
- protection of intellectual property rights
- phased retirement
- tuition waivers
- a fair grievance procedure
- faculty voice in policy development
- parental leave
- protection of academic freedom
- sick leave pool
- employee assistance program



The best strategy to win the battle  
for a great faculty contract:  
**Join UFF.**

Join UFF today! Visit our Web site at:  
[www.unitedfacultyofflorida.org](http://www.unitedfacultyofflorida.org)

**United Faculty of Florida**

Representing Florida's higher education professionals for more than 27 years.

(“Community colleges,” from page 3)

High membership on both of these campuses translates into impressive contracts.

What explains this connection between membership and compensation?

First it is clear to management, and there can be no disputing of this point at the bargaining table, that what the union is saying faculty want in salaries and benefits really does represent what faculty members want.

With strong faculty support for the union, management negotiators can't use the excuse that they really cannot tell if there is a strong faculty mandate for union salary proposals.

Second, a high rate of membership carries with it a high rate of

member involvement in everything related to the success of bargaining. This means members go to meetings and functions with local elected officials to build support for the goals of the faculty. Elected officials need to hear from faculty (and not just from administrators and board members) about how compensation affects recruitment and retention and why faculty morale is a significant factor in the vitality of the institution.

Finally, when a highly organized faculty turns out members for a board of trustees meeting or a bargaining session, and when faculty members talk individually with board members in their community about issues faculty care about, there is an understanding and a relationship that builds and translates into results.

What can university faculty learn from the community colleges?

Because universities now have local boards of trustees and also have local bargaining, the political dynamics (after the devolution of authority from a state board) now are much the same.

“By making the connection between political action and local bargaining, and by backing up plans for action with high rates of membership and highly involved members, university faculty can replicate the great results of the colleges that have followed this formula,” said UFF statewide President Tom Auxter. “That’s how to create an environment in which faculty want to live.”

The key is pushing membership above 50 percent.

The rest will follow. ■

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## How Does Collective Bargaining Protect You?

When significant budget cuts loom on the horizon, education funding becomes a target. In fact, there have been times when lawmakers proposed eliminating annual pay raises for faculty—those WHO ARE NOT protected by a collective bargaining contract.

In 1992, when lawmakers threatened to cancel pay raises although a contract was in effect, United Faculty of Florida took them to court.

The state Supreme Court ruled that

eliminating pay raises for employees under the protection of a collective bargaining contract was unlawful!

UFF believes it's wrong to balance the state budget at the expense of university faculty.

The collective bargaining agent for Florida's higher education employees for more than 25 years, UFF is committed to protecting your rights.

Protect your job, your family and your future. Join the United Faculty of Florida! We'll help you weather the storm.

