

Academic Freedom for a Free Society
Akron-AAUP Monthly Newsletter
for January 2011

The Impending Battle for Collective Bargaining Rights in Ohio

Newly Elected Ohio Governor Kasich, along with many new and returning state representatives in the Ohio Legislature, are gearing up to dismantle Ohio's 1983 Collective Bargaining provisions. This is our impression after reading months of news media reports. Prior to the November election, the candidate freely stated his intention to challenge some of the key provisions protecting the interest of public sector employees, an intention extended to inauguration day:

- "I'm totally against binding arbitration, That's ridiculous. It's just killing cities, killing our communities. It's somebody who comes here from the moon and imposes an agreement on taxpayers. Then they leave and have no responsibility. It just handcuffs our mayors and our public officials. It's going to come to an end if I have my way.
- "In the old days, if you worked for the government, you got lower pay in exchange for more benefits and more security," he said. "Now you get better pay, better security, better benefits. Just this whole thing about sick days and personal days and vacation days, nobody in the private sector gets these kinds of things."
- "It is not fair for a lady who's a single mom with a couple of kids, working two jobs, to have to pay all this largesse for a public employee she's supporting,"
- "I'm against the union bosses of the public unions," he said. "I had a beautiful conversation with the president of the [United Auto Workers of America]. He's going to be a good guy to work with, but I think union bosses at the teachers' union and a lot of the public employees' unions have just not been good." (Toledo Blade 01/14/11)

We'll note, without further comment, that while the new governor expresses such disdain for the benefits afforded to public sector employees and their collective bargaining organizations, one of his first official acts was to increase the salaries of his personal aides by as much as \$47,000 per year over that of their predecessors. (Akron Beacon Journal, January 7, 2011.) Mr. Kasich was elected with *less than half* of the popular vote-- far from representing a mandate.

Concentrating for the moment on public sector employees, namely state employees covered under collective bargaining agreements, school teachers, police officers, and firefighters, the forces in the state house are convinced that one of the keys to economic recovery is removing two current collective bargaining rights - binding arbitration and the ability to strike over contract disputes. Their argument asserts that the cost of arbitration is a heavy burden to tax payers, that money paid to arbitrators usually goes out of state, and that the provisions allowing strikes by public service workers are simply unethical. This amounts to what Robert Reich, former Secretary of Labor, calls a "Shameful Attack on Public Employees" (see <http://robertreich.org/post/2615647030>).

Further, the arguments against arbitration for public sector workers are simply without merit.

- The charge that a massive amount of state funds is going out of state because of union efforts is untrue. The list of arbitrators/mediators approved for duty in Ohio is controlled by the office of the Ohio Attorney General. The simple solution to keep money in the state resides with that office's determination and instruction to the State Employee Relations Board to geographically limit their list of arbitrators, fact finders and mediators.
- Arbitration is a relatively inexpensive approach to contract resolution. The expense of the process increases with the management's intractability, as much as that of the labor side. The chances of the labor side rejecting an arbitration decision is minimal historically.
- Arbitration keeps state functions operating during periods of contract negotiations.
- Arbitration is relatively expensive, however not as expensive as strikes.
- Perhaps counter-intuitively, the number of public sector strikes, including so-called "blue-flu" work slowdowns, was significantly higher in the years before the 1984 collective bargaining law (Ohio Revised Code #4417), than after. We count approximately 60 such strikes per year prior to the law's passage, and only four per year for the last decade.

Why should Akron-AAUP and other higher education faculty unions care?

- First, these are our colleagues. Public sector employees provide community services, just as faculty do. We all depend on the work of teachers and our state's safety forces.
- Some public sector workers, such as safety forces, are precluded by local and state law from striking at all, leaving only binding arbitration as an avenue to contract resolution.
- Removing arbitration leaves these workers at the mercy of their employers. Our chapter members might remember how that scenario always turns out. It is a simple matter of fairness.
- Tampering with Ohio's collective bargaining statute will quickly affect each one of us.
- In our opinion, these are salient reasons for coming to the defense of our threatened colleagues.

Further, in various places and at various times since the November elections, the new governor has stated his intention of changing not only the law regarding arbitration and strikes; he also intends to deny unions the ability to collect agency fee, or fair share. Our faculty voted by a margin over 70% to pay fair share after our first contract was negotiated. That vote has resulted in our ability to file many unfair labor practices, to continually defend our rights as faculty, to preserve our ability to make shared governance more of a reality on our campus, and to promote our participation in state and national AAUP committees and organizational meetings. We remind you that well over 98% of fair share fees collected is spent on the negotiation and enforcement of our contract.

In the coming weeks, Akron-AAUP and the state conference OCAAUP will be offering each of you opportunities to **contact your state representative** to express your views on the collective bargaining agenda. We'll be providing you talking points to use at your discretion in communicating with your local newspapers as well. We are also seeking to align ourselves with other unions in our district and state, such as the CWA, AFSCME, SEIU, and the teachers unions. We know this is not our usual way of proceeding and that some members may question the wisdom of doing so. **Chapter members are encouraged to inform the Akron-AAUP Exec. Committee if they have questions or concerns, and to volunteer as activists.** We hope everyone will consider how much we've accomplished locally, what we have to lose, and the principles which we are defending.

Thinking of Retiring? Future Changes to STRS

There will likely be additional potential changes to STRS that are more alarming than earlier proposals. OCAAUP Conference representatives to the planning meetings for the state retirement fund legislative lobbying group (known as STR/HPA/IUC) report that the message from the Governor is that neither he, nor House Speaker Wachtman will sign legislation if it 1) contains employer contribution increases and 2) does not restore all state retirement systems to 30yr funding periods. On Jan. 15th, the STRS board discussed changing their existing reform plans to meet these criteria. Ohio conference representatives Rudy Fichtenbaum (WSU) and Dave Patton (OSU) attended that meeting, and we trust their analysis and reporting. You all may remember Rudy from the financial audit reports he has done for Akron-AAUP during contract negotiations.

Prof. Fichtenbaum, professor of economics, shared his impressions going into the Friday meeting. He asserts that the only way to get to 30 year funding will be either to cut benefits to retirees or raise employee contributions more than the already proposed 2.5%. Further cuts could come by reducing the FAS (final average salary), reducing or eliminating any COLA, raising the retirement age or cutting the payout (i.e., instead of 2.2 percent for each year of service credit we could move to 2.1 or less). Solutions to meet the governor's demands could be some combination of these actions. In addition, he notes, we all may be looking at the end of the current health care plan in STRS, replacing the current model with a Medigap policy as a supplement to Medicare only. We will keep you posted as things develop. It is important, however, for everyone to understand that the attack on public sector unions and these rather severe limitations to public worker retirement systems are coming from the state government level. One thing is certain, if we are silent on the issues, we won't like the outcome.

Health Care 2011: Some Nuts and Bolts

As you know our health care plan has undergone extensive revisions which went into effect on January 1st. We provide the following to help you out in preparing for some of the changes. This is a report based on the experience of a number of chapter members.

Flexible Spending Accounts

- If you opted to use an FSA:

Some members report that they received FSA materials, including a debit card for accessing funds, weeks ago. Others have, as of this writing, received nothing despite this being the end of the second week of the new year. We don't know the reason for this delay (we suspect it's simply a matter of first implementation as the University has not previously provided debit cards for FSA accounts); our concern is that you are able to avail yourself of this benefit immediately, if needed. We've been informed by personnel in U of A Benefits Administration that you should receive your materials within the next week or two. If you do not receive your materials by then we recommend that you contact Benefits directly.

With or without your membership materials you can access your FSA information on the Health Equity web site at this address:

<https://www.healthequity.com/HE.aspx?ReturnUrl=%2fMember%2fMemberHome.aspx>

You'll go through a few simple security verification steps.

You will then be at a page under the SummaCare banner. Select the link to log-in for the first time as a member. The registration process for web access is fairly straightforward and simple.

Upon completion you will be able to access your account details including FSA balance, pending charges, etc. This is also where you will go to activate your debit card once you, eventually, receive it.

More importantly, for those of you who have not yet received your membership materials, you will find an easy-to-locate link to download a reimbursement form for use should you incur any medical costs before receipt of your debit card. We do not yet have any current experience with the reimbursement procedure.

If you click a link at the top of the page labeled "My Profile" you can edit contact information and choose whether you want to be notified of payments and unpaid claims.

Prescription Plan and Mail Order Prescriptions

Our prescription plan is now managed by **Envision Rx Options**. You can register for web access to EnvisionRx's web site here: <https://www.envisionrx.com/members/signup.aspx>

When registering you will have to enter your Member ID. This should be the membership number on the Envision ID card.

Under this new plan some of you may experience increased costs for critical medications. You may wish to avail yourself of the mail order option which allows you to receive three-month supplies of some medications at a significant discount. Mail order services are through **Orchard Pharmaceutical Services**. You should have received a mailing at home with this information. You can register for this service here:

<https://www.orchardrx.com/en/registration.aspx>

For your Member ID use the number provided on the EnvisionRx ID card; it will start with the prefix UA.

Note: if you previously used the three month mail order service through Walgreen's you will need to have your physician call or fax new prescriptions to OPS. We were told that Walgreen's will not transfer prescriptions.

Overall, we were able to register and activate memberships on these three sites in well under half an hour. On the few occasions we had to contact the companies for assistance the contact persons were friendly and helpful.

Durable Medical Equipment

For those of you who use various medical devices--CPAP, TENS units, etc.: We called Cornerstone Medical, the agency that handles distribution of durable medical equipment. We were informed that our new health care information was already updated in their system. As far as we can tell you do not need to contact them with new policy numbers; you should be ready to go. In any case, when we called it was a simple matter to check and confirm that our necessary information was up-to-date.

Be aware that durable medical equipment now comes with a 10% deductible if you elected the Gold Plan. Equipment and supplies that once were fully covered will now come with some cost attached. You may wish to re-evaluate any automatic supply orders and refills with this in mind.

Finally, Keep Us Informed Regarding Your Experience

It's never too early to begin preparations for the next round of contract negotiations. To that end we'd like to ask you to keep track of your upcoming experiences with this new health care plan. Where do you find yourself spending more money? How much more do you find yourself spending on critical meds and services? Are these increases reasonable and within your ability to pay and, most importantly, to maintain your health; or are you experiencing costs that make this new plan unworkable and unacceptable to you? We feel it's perfectly appropriate that we responsibly shoulder our fair share of the increasing costs of health care, but our main concern is that you are not unduly and unfairly burdened and that you are able to manage your and your family's health care needs appropriately.

Let us know over the course of the year what your experience, positive and negative, may be. We hope this information will be of use to some of you. We'll have more information for you in our next communication.

Unfair Labor Practice Mediation

The Akron-AAUP met with representatives of the administration on Tuesday, January 11th to try to resolve an outstanding unfair labor practice (ULP) regarding the reclassification of a faculty line to a contract professional position. The State Employment Relations Board (SERB) found probable cause that the reclassification may have inappropriately removed faculty work from our bargaining unit, so it mandated a mediation session to see if the issue could be resolved before going to a SERB trial. There was a productive discussion, with some possible avenues for resolution of the issue. Both parties agreed to do some additional homework and to reconvene the week of January 17th to see if an agreement can be reached. If not, the next step would be a mediation session in Columbus and, failing an agreement there, a trial. We will provide you with an update in the next newsletter.

Merging of Colleges: Creative/Professional Arts with A&S, HSHS and Nursing

Two weeks ago, as a courtesy, the Dean of Arts and Sciences, Dr. Chand Midha, informed the President of Akron AAUP, Dr. Walter Hixson, that an important change was to soon take place; specifically, that Provost Sherman's vision of how to move the university forward included a merging of the College of Arts & Sciences with the College of Creative and Professional Arts.

This was a courtesy call because the AAUP/UA bargaining agreement does not address such large scale changes. AAUP has no binding voice in this kind of structural change at the University. We congratulate Dr. Midha on his soon-to-be appointment as Dean to this new, massive, still unnamed, academic unit.

Although AAUP has no determining voice in this type of institutional restructuring, we do have concerns. Specifically, our concerns regard: 1) the impact this will have on faculty in those two colleges; 2) the procedure that will be followed to implement these changes (the role of Faculty Senate); and 3) the rapidity with which this process is occurring.

In the first week of this semester we have heard from several colleagues in the College of

Creative and Professional Arts who were uncertain as to exactly what this will mean for their careers at UA. Issues of RTP, merit evaluation, funding, committee structures, professional development leaves, department bylaws, as well as other issues related to “student success” are in play with these structural changes. Yet, we have heard no discussion from the administration, nor have they involved the Faculty Senate or individual faculty members directly affected by this organizational shift in discussions and planning.

While Associate Provost Ramsier has assured AAUP this matter will be brought before the Faculty Senate this semester, we have also heard that these changes are to take place by the end of this semester, Spring 2011. This does not leave a lot of time for the Faculty Senate to perform its due diligence. University Rule (3359-10-02; B(2)) clearly states that any elimination or rearrangements of Colleges will be reviewed by the Faculty Senate, and that Senate may make recommendations to the President, BOT, or other UA officers. Our recommendation is that the details involved in such an important structural and governance change be worked out prior to merging the two Colleges.

It wasn't that long ago when a previous provost decided to eliminate the College of Fine and Applied Arts. In that governance/academic shuffle some departments/schools were merged into the College of Health Sciences and Human Services, and the remaining department/schools became the College of Creative and Professional Arts. The result was a diminished College. Those changes happened very quickly, too quickly for faculty concerns to be adequately addressed by the administration. We hope that the current proposal to merge these two important and diverse colleges is given more, and more diligent, consideration than similar reorganizations have in the past.

Finally, this is a call for faculty participation in the governance of the University, specifically, a call for individual faculty and the Faculty Senate to take time to consider Provost Sherman's plan to merge two of the Universities largest colleges into ONE massive academic unit. Ask questions, demand answers, become empowered!

Getting Involved in Akron-AAUP

No matter the nature of your skills and interests, no matter how much or little time you can spare, your contributions are important in keeping your faculty union strong and always resolute in defense of fundamental faculty and student rights.

Contact us: communications@akronaaup.org

Visit the Chapter Website Often - <http://www.akronaaup.org>

**Akron-AAUP
Communications Committee**