



Rutgers Council of AAUP-AFT Chapters

American Association of University Professors • American Federation of Teachers
Representing the Faculty & Graduate Community of Rutgers University

Fall 2008

Know Your Contract

Full-Time Faculty and Teaching/Graduate Assistants

Liaison for Work and Family Issues

The 2007-2011 Collective Agreement created the position of Liaison for Work and Family Issues. Dr. Catherine N. Duckett was jointly selected by the Rutgers AAUP-AFT and Rutgers administration. The Liaison will answer questions about accessing the benefits in [Article XVI](#), including paid recuperative leave for birth mothers; paid parental leave for parents of any gender to care for newborn or adopted children; or unpaid family leave for care of sick relatives or of newborn or adopted children.

Dr. Duckett is Project Director for the Office of the

Associate Vice President for Promotion of Women in Science, Engineering and Mathematics. She has been handling work-and-family-related questions since her appointment in February.

If members of the full-time faculty bargaining unit, including teaching and graduate assistants, have questions or concerns about how these benefits may help them to balance work and family responsibilities, the place to start for finding answers is Dr. Duckett.

Department chairs, Graduate Directors, and/or unit directors who have questions should also contact Dr. Duckett. The

Liaison is committed to maintaining confidentiality while the employee works out leave arrangements.

The contract also created a reporting requirement in which the Liaison reports at the end of each semester to both the AAUP-AFT and the University administration regarding queries received and how such queries were resolved. This is an important new mechanism for collecting data on utilization of the benefits.

Descriptions of the work and family benefits are covered under Article XVI of the contract and a summary begins on page 3.

Dr. Catherine N. Duckett

Liaison

for Work and Family Issues

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New Expedited Appeal of Denial of Tenure

A significant change in the 2007-2011 Agreement between the Rutgers AAUP-AFT and Rutgers administration is a new [Expedited Appeal of Denial of Tenure](#).

The new Expedited Appeal of Denial of Tenure is in lieu of

the regular grievance process. Faculty members who choose to appeal the denial of tenure waive any and all rights to use the grievance procedure under Article X.

In short, the expedited appeal permits a candidate evaluated by the Promotion Review

Committee (PRC) and denied tenure to immediately submit an appeal directly back to that body.

Details about the expedited appeal and Article X grievance procedures are found on page 2.

Expedited Appeal of the Denial of Tenure

Article XIII: Expedited Appeal of Denial of Tenure

(New in 2007-2011 contract)

Choosing an Expedited Appeal means any and all rights to grieve denial of tenure are waived.

The expedited appeal process permits a candidate to immediately submit a statement of appeal directly back to the Promotion Review Committee (PRC) for consideration. (A candidate who is turned down by both the department and the dean—a “double negative” candidacy—is not evaluated by the PRC and is not eligible to use the expedited appeal process.)

Faculty who are denied tenure will be contacted by the AAUP-AFT following the April Board of Governors decision and will receive notice of an Information Session on the Expedited Appeal and Article X grievance procedures.

The timelines for filing an expedited appeal are extremely short. A statement of appeal must be submitted within 15 working days of delivery of the tenure packet to a candidate’s home address after the April Board of Governors (BOG) tenure decisions.

An expedited appeal permits a candidate to set forth why he/she believes the evaluation process was defective and/or why he/she disagrees with the decision. The PRC may take one of the following actions:

- Recommend to the BOG that a candidate be reappointed or promoted with tenure (to be acted on by the BOG at its June meeting);
- Remand the packet to an earlier level of review during which a candidate would receive an employment extension of 12 months when a re-evaluation takes place; or
- Deny the appeal.

In the event that the PRC remands a packet that that does not result in tenure, a candidate would receive a terminal year appointment and have access to either this expedited appeal process or Article X to grieve alleged defects in the re-evaluation.

Article X: Faculty Personnel Grievance Procedure

(Long-standing provision but slightly revised in 2007-2011 contract)

Article X provides a procedure under which certain procedural challenges to adverse personnel actions may be brought. Rutgers AAUP-AFT can help a candidate turned down for tenure assess whether or not grievable defects occurred in the evaluation process and, if so, provide assistance to the candidate throughout the procedure, including the development and presentation of his/her grievance to a faculty committee. Note that action must be taken no later than 30 days from receipt of the April BOG list of tenure decisions to preserve the right to file an Article X grievance.

This grievance procedure is available only if the Expedited Appeal under Article XIII of the Agreement is not pursued.

Visit www.rutgers.aaup.org for information and/or call 732-445-2278.

Three Forms of Family Leave under Article XVI

There are three forms of family leave under [Article XVI](#) of the 2007-2011 contract:

1. **Paid recuperative leave** for pregnancy and pregnancy-related disability
2. **Paid parental leave for new parents** regardless gender in order to take care of newborn or newly adopted children
3. **Unpaid family leave** to provide care for a newly adopted or newborn child or for a family member or same-sex domestic partner with a serious health condition

The contract does not preclude arrangements that exceed the minimum benefits. The following summary should not be relied upon without consulting the actual contract language and/or the Liaison for Work and Family Issues, Dr. Duckett.

1. Paid Recuperative Leave (Long-standing provision, written notification)

All birth mothers in the bargaining unit—whether tenured, tenure-track, non-tenure track faculty or teaching and graduate assistants—are eligible to take 6 weeks paid recuperative leave upon written notification. (If in doubt about whom to notify, contact the Liaison for Work and Family Issues, Dr. Catherine N. Duckett.) This leave is for complete release from all work-related duties and may be extended for medical reasons. The recuperative leave may begin with the birth of the child or with the start of disability preceding the birth, e.g., doctor-ordered restricted activity. If the bargaining unit member is on a calendar year contract, the 6-week recuperative leave is separate from the contractually guaranteed 4 weeks of annual vacation.

2. Paid Parental Leave (New provision, written request required)

New in the 2007-2011 contract is a paid parental leave benefit for new parents who have care responsibilities for either newly adopted or newborn children. This leave may be requested by new parents, regardless of gender, marital/domestic partnership status, or sexual orientation, for up to eight weeks of release time from specifically assigned classroom teaching and committee service obligations.

Faculty members or graduate assistants who do not have classroom teaching or service obligations are not prohibited from receiving the 8 weeks of paid parental leave. If the university and/or departmental resources and scheduling allow, this benefit or some variation may be provided. The new parental leave provision seeks to promote quality education by minimally disrupting student-related activities, while providing a family-friendly benefit.

Special Note to graduate student employees: Teaching and Graduate Assistants are required to maintain full-time student status, while on a family-related leave. International graduate employees must register for the appropriate number of graduate credits required for their stage in degree progress in order to meet current U.S. government visa requirements. For assistance, contact the Liaison, your international student office, and/or your Graduate School. You may also want to read the union-prepared [guidelines](#) on these benefits for teaching and graduate assistants.

NEW!
Paid parental leave for new parents of any gender for care of newborn or adopted children

TAs and GAs, whether domestic or international students, must maintain full-time graduate student status, while on a family-related leave.

Know Your Contract

Full-Time Faculty and Teaching/Graduate Assistants



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2008 Wells H. Keddie Scholarship Awarded

The Trustees of the Wells H. Keddie Scholarship are happy to announce that this year's winner is **Vanessa M. Mattes**, a Political Science and Comparative Literature student. She was awarded \$4,300. The scholarship is awarded to undergraduate students at Rutgers who combine solid scholarship with social activism. If you wish to contribute to this scholarship, please send your tax deductible check to Wells H. Keddie Scholarship, c/o Rutgers AAUP-AFT, 11 Stone Street, College Ave Campus, New Brunswick, NJ 08901

Who We Are: Rutgers Council of AAUP-AFT Chapters

The Rutgers Council of AAUP Chapters was designated by a majority of faculty in 1970 as the exclusive labor representative in accordance with the New Jersey Employer-Employee Relations Act (1968). The graduate student employees were added to the full-time faculty bargaining unit in 1972. The full-time faculty unit is the negotiating representative for 2,500 faculty members and 1,700 teaching and graduate assistants. The chapters include the campuses in Camden, Newark, and New Brunswick/Piscataway.

The Rutgers Council is affiliated with the American Association of University Professors and the American Federation of Teachers, AFL-CIO. Members of Rutgers AAUP voted to begin a joint affiliation with AFT in 2005, while maintaining our original affiliation. The AAUP's strong defense of academic freedom has been joined with AFT's excellent track record of negotiating and legislative success. Sister bargaining units—Part-Time Lecturers and the EOF Counselors—are also jointly affiliated, while the Union of Rutgers Administrators is an AFT local.

Visit us

on the web at www.rutgersaaup.org

Three Forms of Family Leave (cont. from page 3)

3. Unpaid Family Leave (Long-standing provision, written request)

The 2007-2011 contract also contains a provision under [Article XVI](#) that allows a member of the bargaining unit (faculty or TA/GA) to request a leave of absence without pay to provide care made necessary by reason of the birth or adoption of the bargaining unit member's child or the serious health condition of a family member or same-sex sole domestic partner.

Unpaid family leave in the contract is tied to University policy and the provisions of the [State of New Jersey Family Leave Act \(FLA\)](#). It should be noted that this union-negotiated benefit and [University policy](#) both give TA/GAs somewhat more rights than either the state FLA or the [federal Family and Medical Leave Act \(FMLA\)](#) allow.

[Paid Family Leave Insurance](#) will become available in New Jersey, after bill A873/S786 (passed by both houses of the state legislature) is signed into law by the governor. The bill states that it would go into effect on January 1, 2009 and New Jersey employees would be able to apply for benefits as of July 1, 2009. The law provides up to six weeks of paid family leave at two-thirds of an employee's salary with a cap of \$524 per week.

The contract contains new categories of **protection against discrimination**, some of which relate directly to family leave. [Article IV](#) protects bargaining unit members from discrimination on the basis of "race, creed, color, sex, religion, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, age, disability or atypical hereditary cellular or blood trait, genetic information, refusal to submit a genetic test or make available the results of a genetic test, veteran status, affectional or sexual orientation, gender identity or expression."