

Pros and Cons List

Preamble

When the Executive Council (EC) of the union met last week to consider the agreement, a majority voted to recommend this contract settlement while a significant minority voted against. The discussion was vigorous but all agreed that the proposed settlement represents a significant improvement over what the administration had proposed earlier during this contract negotiation. Everyone also agreed that the settlement falls short of a just outcome because the university has sufficient resources to fairly compensate all its employees. The disagreement centered on whether we should "hold our noses" and accept the settlement as the best outcome we can achieve at this time, or whether we should "roll the dice" and take a risk by waiting for a possibly favorable ruling on our arbitration case and, in the meantime, increasing the pressure on the administration to do the right thing by making our voices heard through more aggressive actions than the letters, petitions, and rallies we've already organized.

Regardless of the outcome of this vote, all of us on the EC wish to affirm our commitment to democratic decision making processes and the collective involvement of faculty, staff and students in the running of the university. We believe that the current administration does not share this vision. We set ourselves the task of fostering greater membership involvement in current and future contract negotiations. It is only through active membership participation that we can challenge the priorities of the administration, hold it accountable, and move forward to realize our vision of Rutgers as an institution that respects its faculty, staff and students. We urge you to become active and make Rutgers a place of collective and collaborative learning and decision making.

PROS

PRO # 1: All collectively negotiated wage increases from the 2007-2011 contract that were frozen will be paid and added to base salary for bargaining unit members still on payroll at time of payment. In addition, the "Subject To" language, relied upon by the University to freeze salary and not pay salary increases, will not be in effect for the life of the agreement. This was an important and unprecedented concession on the part of the University. It means the raises and the lump sum payments have to be paid without regard to levels of state funding.

PRO # 2: The arbitration is a "roll of the dice" and may produce a better or worse outcome. We do know three things for certain about the arbitration: (1) it will entail a delay of at least another six months, (2) the Union of Rutgers Administrators lost the first of two arbitrations on a related issue and (3) no arbitration settlement will include the advances for the NTT faculty, TA/GAs, Librarians and Extension Specialists that were won in the contract settlement.

PRO # 3: An arbitration loss could negate the previously negotiated but currently frozen increases and validate the administration's interpretation of the "Subject To" language in the contract. The "Subject To" clause of our contract has been used by the administration to arbitrarily revoke negotiated wage increases.

CONS

CON # 1: Although the raises that were due to be paid under the MOA will be paid, faculty will also be accepting a three-year wage freeze. The current proposal offers faculty zero new money in our salary base and nothing, aside from bonus money, to offset rising health care payments – in effect a salary cut for many of us. We also give up the possibility of having those raises paid retroactively to the times specified in the agreement, which would be worth an average of about \$10,000 to each of us. For newer faculty, those hired in 2009 and later, the absence of new money to the salary base is especially onerous since it will mean an increase of only 2.75% over the five years from initial hire until the agreement expires on August 31, 2014. There is no consideration at all for enhanced (merit) raises for anything later than the 2009-10 cycle, a stunning affront by the administration to the very faculty who most clearly carry the promise of making this a truly distinguished university. Our union has never accepted one-shot lump sum bonuses as a substitute for increases to base salary, which pay out year after year. The proposed settlement would set a dangerous precedent and is especially unfair to faculty in the early stages of their careers.

CON # 2: While there may be risks if we proceed with the arbitration, if we accept this agreement, we will confirm the administration's opinion that they can cheat us out of our earnings with impunity. In 2009, we granted their request to temporarily defer our

PRO # 4: The new contract represents a breakthrough for the nearly 800 Non-Tenure-Track faculty in that it will offer a path toward the establishment of criteria and procedures for appointment, reappointment, evaluation and promotion. For six years the Non-Tenure-Track caucus of the AAUP-AFT has been advocating for more professional working conditions for clinicians, instructors, researchers, and librarians who serve off the tenure track. The new contract is our chance to win a major victory for some of our most vulnerable and hardworking colleagues. The arbitration does not address working conditions for NTT faculty. If the settlement is not ratified, we have to return to the table and management is not required by law, practice or precedent to maintain the important gains made by NTT faculty in this tentative agreement. Those critical improvements may be withdrawn by the University. We should not rely on the argument made by those opposing ratification that these concessions by management will not be withdrawn because the NTT provisions benefit the University, as well as NTT faculty. If this logic was in play at Rutgers there would have been no salary freeze in the first place.

PRO # 5: Another significant achievement of the comprehensive settlement is the new work/family protections for librarians and extension specialists. In the 2007-2011 contract the union extended family leave from 6 weeks up to 14 weeks of paid leave for pregnancy or adoption. While many faculty members enjoyed this new benefit, the provision did not cover non-classroom faculty. The new contract you are voting on extends this important benefit to 170 more colleagues. Since the arbitration does not cover anything outside the salary freeze, failure to ratify the comprehensive agreement means we would have to return to the bargaining table. As is the case with the gains made on behalf of NTT faculty, this important victory on extending paid leave for pregnancy or adoption to non-classroom faculty could be jeopardized if the contract is not ratified. Management may decide to withdraw this benefit. Certainly, we cannot rely on the good faith of the University to maintain this critical advancement for librarians and extension specialists.

PRO # 6: The negotiated settlement over lost ABP retirement contributions impacts over 500 faculty. The lost contributions will be fully restored and paid into the future. This issue is not subject to the arbitration outcome.

wage increases, saving the University approximately \$20 million dollars. For the past two years, they have refused to pay at all, falsely claiming "inability to pay" while using our hard-earned compensation for their pet projects. The proposed settlement will validate these tactics. Greater membership involvement should bring more pressure to bear on management. Right now, we have the leverage of an ongoing presidential search and the opportunity to make our voices heard to greater advantage.

CON # 3: We have a decent chance of winning a solid victory in the arbitration case on the frozen wages and of getting our past due wages paid to us more quickly than the 18-month schedule presented in the current settlement. A good outcome in arbitration would also challenge the administration's position on the "subject to" clause. Compromising now by approving this agreement would leave the administration free to re-assert its interpretation after August of 2014.

CON # 4: Everyone supports the creation of more professional work conditions for our NTT faculty. We believe that the gains, already conceded by the administration, will not be withdrawn in future negotiations. These are, in fact, mutual gains that benefit both the employer and the employee.

CON # 5: We support the extension of paid leave for pregnancy and adoption to our non-classroom faculty members who are currently excluded from receiving them. As with the NTT gains, we believe that the gains, already conceded by the administration, will not be withdrawn in future negotiations. These are, in fact, mutual gains that benefit both the employer and the employee and cost the administration nothing since work-family protections uniformly come from closing ranks among the members.

CON # 6: This issue directly affects Rutgers' top administrators, who all make over \$141,000. The administration has already offered to include faculty in their protection of people in this salary group, and so the union could sign a separate Memorandum of Agreement on this matter.

CON # 7: As with the NTT gains and work/family protections, we will not start from scratch in future negotiations. Keeping the graduate programs competitive is in the interest of management as well.

CON # 8: The state's role in these negotiations underscores the unfairness of the proposed settlement. The tentative agreement provides for zero increases

PRO # 7: TA/GA salary increases are new money under the new (successor) contract and will help keep our graduate programs competitive. The arbitration does not cover new money for graduate employees. If the contract is not ratified, we will have to return to the table, without any assurances that the University will adhere to its agreement on new money for TAs/GAs.

PRO # 8: This is the best possible settlement given the anti-union climate and anti-union leadership in Trenton and at Rutgers and without dramatic job actions on the part of the majority of the membership. The Governor's attorney represented the university in the arbitration and negotiations. It was clear that the Governor was playing a highly influential and unprecedented role in these negotiations with the University.

PRO # 9: Accepting this settlement will allow us to make long-term preparations at the department, school, and campus levels to better prepare us for the next contract.

PRO # 10: This settlement puts us under contract and preserves all terms and conditions of employment as we head into merger with the medical school.

PRO # 11: Significant political changes (a new university president and perhaps a friendlier governor) may improve the climate by the end of the contract period in 2014.

PRO # 12: We avoid any of the major concessions proposed by management for the new contract, including elimination of 100% sabbaticals, binding arbitration, and faculty oversight of the out-of-cycle process.

over a three-year period, while many other state employees will be receiving automatic increases in their four-year contracts: 1% in Year 3 and 1.75% in Year 4. In addition, these state workers will receive an average further increase of 2% in longevity steps spread out over all four years.

CON # 9: We certainly support efforts to prepare for the next round of contract negotiations, but there is no particular reason to believe that we will be any more successful next time than we were this time. The best time to develop solidarity and organizational strength is during a struggle and we believe that struggle should take place in connection with this current contract, not some future contract.

CON # 10: We agree that there is an advantage to being under a contract that ensures the preservation of terms and conditions of employment, while a merger with the medical school is taking place. However, in our view the advantages of this agreement do not come close to compensating for its disadvantages.

CON # 11: Whatever happens down the road, we will be in a stronger position if we show some spine in the face of the University's unprincipled behavior.

CON # 12: Management proposals of major concessions for the new contract were just that - proposals - we did not and would not accept them.