

TO: Non-Senate Faculty

FROM: Jeremy Elkins, UC-AFT President

RE: Administration Disinformation Campaign

UC's Non-Senate Faculty Bargaining Update: The PR version

One of the surest signs that the University administration is feeling pressure both from non-senate faculty and from the legislature to resolve the contract negotiations is that it has recently undertaken a disinformation campaign. This week, the administration sent to members of the legislature a synopsis of its "comprehensive proposal," in order to try to show that it is making real progress, and is now distributing the same report to non-senate faculty through departments.

The administration's report is deeply misleading. For two years, the administration has misrepresented our proposal to higher-level campus administrators and members of the Academic Senate (whom the administration has sought to exclude from any dialogue with us). Now, it has taken the disinformation campaign to the legislature and to non-senate faculty.

We believe that negotiations should be as public as possible, and we welcome a fully open dialogue about our proposals and the administration's proposals. However, we believe that disinformation from either side does not serve well the cause of resolving the outstanding issues. I have, therefore, invited the administration's Chief Negotiator and Labor Relations Executive Director Gayle Cieszkiewicz to engage in an open and frank discussion about the current differences between the parties. I have pledged to her that UC-AFT will distribute to Unit 18 members and post on our website, in unedited form, her presentation of the issues. We will respond to her comments and invite her to do the same. I have also proposed that this on-going dialogue be circulated by the administration to campus administrators. If the central administration is serious about open communication, and believes that its positions are defensible, it should not hesitate to distribute our presentation of our issues to campus administrators. However, our offer to distribute the administration's views is unconditional and not contingent on the administration's willingness to do the same. My letter to Ms. Cieszkiewicz offering to engage in this dialogue is copied below.

Following is a comparison of some of the administration's key claims in its current report and the reality.

The administration's report says that...

However, what is doesn't say is that...

...its offer "guarantees continuing appointments for post-six year lecturers with no end dates if deemed excellent..."	...the administration insists on the right to impose time limits that would prohibit lecturers from ever <i>getting</i> to six years. Under
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	<p>the administration’s proposal, once the University grants COLAs or merit increases to pre-six year lecturers (which are funded by money specifically allocated for that purpose by the legislature), it could <i>replace those lecturers with new hires</i> simply in order to divert those merit and COLA funds for other purposes.</p> <p>...the administration would retain the right to determine excellence with <i>no standards or review by a neutral party</i>.</p>
<p>...its offer “[c]ontinues UC’s competitive salary offer: \$32,000 - \$100,000 per year for nine months of teaching.</p>	<p>...the administration’s proposal contains no salary schedule with regular steps or placement criteria. Senate faculty have a scale with regular steps for advancement, and both full-time community college and K-12 faculty have scales with placement criteria and steps for advancement. Under the administration’s proposal, <i>lecturers would continue to be the only class of regular instructors in California who can work full-time for decades with no regular salary scale</i>. Under the administration’s proposal, lecturers with Ph.D.s and years of experience could still start at \$31,000 (not \$32,000). The “\$100,000” figure looks nice, but it could just as well be \$1,000,000 if the administration retains complete discretion to set individual starting salaries above \$31,000.</p> <p>...the administration’s proposed salary increase is a total of 3.5% – 4% <i>over a three-year period</i>.</p> <p>...the administration’s proposal contains no guaranteed merit reviews for the first 6 years of employment <i>and an average two-thirds of one percent (!)</i> merit increase annually after that.</p> <p>... in the administration’s proposal, full-time lecturers with Ph.D.s in their <i>seventh</i> year would be guaranteed the same salary as the minimum salary for <i>beginning</i> K-12 teachers in California (\$34,000).</p>

<p>...its proposal “enhances protections regarding layoffs, reductions in time, reemployment rights and access to continuing appointments...”</p>	<p>...the administration’s proposal would <i>reduce</i> the layoff notice for post-six year NSF from the current one-year to 90 days.</p> <p>...the administration’s proposal would allow post-six year NSF to be replaced at any time and for any reason by visiting professors, adjuncts, or graduate students. A NSF who had been teaching full-time for 12 years could thus, on the administration’s proposal, be summarily replaced, with 90 days notice, with an adjunct. After two years, the adjunct could then be replaced by a new pre-six NSF.</p>
<p>...its proposal “ensures that continuing lecturers receive consideration for new course sections where appropriate.”</p>	<p>...this provision would only apply when there was a new “section” of the exact same course that the NSF happened to be teaching that year. In contrast, our proposal would give first priority for <i>all</i> new courses to <i>qualified</i> post-six NSF.</p>
<p>...its proposal provides for “inclusion of at least one peer in departmental evaluation processes for continuing lecturers.</p>	<p>...under the administration’s proposal, the “inclusion” of peer involvement could consist in the opportunity of another non-senate faculty member <i>to write a letter to the reviewing committee</i>— which is, of course, already permitted, and is a sham form of peer participation. In contrast, we have proposed that at least one non-senate faculty member be included in all personnel review <i>decisions</i> of pre- <i>and</i> post- six year non-senate faculty.</p>
<p>...its proposal “ensures that UC will, in advance, meet and discuss with the union, proposed changes to existing course workload values, and proposed instructional workload credits for new courses.”</p>	<p>...under the administration’s proposal, it would only be required to <i>inform</i> of us of increases in workload and give us an opportunity to comment, <i>but not negotiate</i>, on those changes. After receiving our comments, the administration could <i>unilaterally</i> increase workload. We have insisted that we need to deal with unreasonable workloads in some departments. The opportunity to “comment” on <i>additional</i> increases in hardly responsive.</p>
<p>...its proposal expands due process rights for lecturers through proposing increased grievance/arbitration rights.”</p>	<p>...under the administration’s proposal, key decisions would remain exempted from review by a neutral third-party, including, for example, <i>whether the administration violated contractual standards in refusing a post-six year appointment</i>. We have learned that a</p>

	<p>contract that is not enforceable is not worth the paper it is written on (which is, perhaps why the administration has also proposed eliminating its obligation to provide written copies of the contract to NSF), and we have insisted that we will not accept a contract that is unenforceable by a neutral party.</p>
<p>...its proposal “removes any prohibitions on lecturers participation on UC Academic Senate committees.”</p>	<p>...there <i>are no</i> prohibitions on “lecturers [<i>sic</i>] participation on UC Academic Senate committees.” Several campuses already include non-senate faculty on committees. Whether to include non-senate faculty on Academic Senate committees has always been, and would continue to be—we have never suggested that it should be otherwise—at the discretion of the Senate.</p>
<p>...having provided this “comprehensive proposal,” (much of which is unchanged from its previous proposal), “the University now awaits the union's comprehensive response to the proposal.”</p>	<p>...the mediator under whose auspices we are negotiating <i>has not asked for the parties to exchange “comprehensive proposals”</i>—especially ones that do not respond to key concerns raised by the other side. The administration did not submit this proposal as part of bargaining. Rather it submitted this proposal <i>after refusing to engage in negotiations on key issues</i> at the bargaining table. The administration—largely because the representatives that it brings to the table do not have authority to negotiate a binding agreement—<i>has simply refused to sit across the table and work on compromise language on key provisions.</i></p>

While the administration has told lawmakers that it intends to resolve the contract negotiations by the end of June (just at it told legislators in February that it intended to resolve the outstanding issues by early March), it is now stalling once again. We have submitted 23 proposed days in June on which we are prepared to meet. The administration, knowing that mediator Marty Morgenstern will be gone for most of July, has thus far been unwilling to commit to more than 2 days for the entire month of June.