



Return to Steve Hicks!

April 8  
Handout 1

**Pennsylvania State System of Higher Education**

Office of the Chancellor Dixon University Center 2986 North Second Street Harrisburg, PA 17110-1201  
717-720-4000 www.passhe.edu

April 8, 2011

Mr. Stuart Davidson  
Willig, Williams & Davidson  
Twenty-Fourth Floor  
1845 Walnut Street  
Philadelphia, PA 19103

Dr. Stephen Hicks, President  
and APSCUF Faculty Bargaining Team Members  
Association of Pennsylvania State College and University Faculties  
319 North Front Street  
Harrisburg, PA 17101

Dear Mr. Davidson, Dr. Hicks and APSCUF Faculty Bargaining Team Members:

Below are the Pennsylvania State System of Higher Education's (PASSHE's) bargaining objectives meant to facilitate discussions concerning PASSHE's issues and interests during bargaining for a successor collective bargaining agreement (CBA). We look forward to negotiating a new CBA which provides the highest quality educational experience to PASSHE students to enable them to achieve academic success at the most reasonable cost possible.

PASSHE reserves the right to add to, modify, or revise these issues and interests at any time during the collective bargaining process without prejudice to any past, present, or future contractual interpretation. In some cases, our options are clarification of existing rights and shall not be construed to constitute a waiver of such rights.

**Structural Issues**

Increasing the flexibility of the workforce is part of an effort to increase student retention, graduation rates and respond to student needs. This will include issues involving multiple and overlapping parts of the labor agreement in addition to some new concepts for PASSHE. For example:

- a) Achieving greater flexibility in assigning the modalities, national models of course redesign, time and location of program and course offerings. (Article 23, 40, 41, 42)
- b) Develop mechanisms to support inter and intra university collaboration.
- c) Develop an additional non-tenure track faculty member status of "Lecturer." Faculty members in these positions will be employed on an extended renewable contract basis. The contracts may be terminated with a 90 day notice. (New Provision)

- d) Restructure the grievance procedure to include a required third step meeting prior to advancing the grievance to arbitration. Incorporate the third step pilot into the CBA. Set mutually acceptable parameters to expedite grievance dispositions. (Article 5)
- e) Eliminate the use of the American Arbitration Association and utilize a mutually agreed upon panel.
- f) Develop exceptions to the Article 11F 25% temporary and regular part-time faculty member cap specifically exclude sabbatical replacements, sick leave replacements, grant funded faculty replacements or acknowledge the ability to develop local agreements to exceed the 25% limit. (Article 11F, 1 and 2)
- g) Eliminate Article 11.G. (Article 11)
- h) Increase, without additional compensation, the regular faculty workload, excluding continuing education, from 24 workload hours to 27 workload hours to be taught during the year (the first day of fall classes to the first day of the subsequent fall classes), which includes a 12 month academic year, summer, and winter term. (Article 23, 24, and 25)

### **Cost Issues**

PASSHE is interested in discussing the costs of faculty total compensation (base pay, pay increments, supplemental pay and cost sharing of health care for active employees and future retirees and other benefits including sabbaticals, leave costs, and tuition waivers).

PASSHE is seeking greater and more immediate cost deferrals and cost decreases in light of the fiscal challenges facing PASSHE. Therefore, PASSHE counter proposes the following cost deferral and cost reduction items:

- a) Faculty members will be paid based on the Faculty Pay Schedule D (effective October 1, 2010) for the term of the new CBA. There will be no general pay increases or step increments. (Article 22)
- b) Increase employee health care cost sharing (Article 21)
- c) Redesign the PPO health plan to be more employer cost effective and market comparable in Pennsylvania. (Article 21)
- d) Redesign the prescription drug plan to be more employer cost effective and market comparable in Pennsylvania.(Article 21)
- e) Eliminate the Indemnity plan when the total number of PASSHE participants falls below 500 and eliminate the HMO health care plans immediately. (Article 21)
- f) Restructure the retiree health care plan and prescription drug plan for future retirees (Article 21)
- g) Pay temporary faculty members and the new "Lecturer" status faculty members on a separate local market (east, central, west Pennsylvania regions) competitive basis (Article 22)
- h) Eliminate distance education payments (Article 42)
- i) Delete Article 18.A.12.e.(2) "APSCUF shall have the right to grieve in accordance with the procedures of said Article 5, with regard to a substantial change in the pattern of granting sabbatical leaves at a specific University."

Provide that the granting of any sabbatical leave of absence be at the sole discretion of the President or his/her designee.

- j) Reduce retrenchment notice requirements to individual faculty members to one semester. (Article 29)
- k) Eliminate Article 15G

#### **Other Issues to Consider**

- a) PASSHE is interested in increasing the role of the Deans and Provosts in the tenure and promotion decision making processes. Limit the grievance rights for non-renewal and tenure decisions. (Articles 15 and 16)
- b) All existing side letters, with the exception of those side letters required by the CBA, will be reviewed and if appropriate reaffirm, amended or eliminated by the parties under the terms of the meet and discuss provisions of Act 195. (Article 46) Change Article 46B from 10 years to the expiration date of the current CBA.
- c) During the first 12 months of the CBA, the parties will jointly develop a competitive market based faculty pay system and structure, which moves away from a non-performance based general schedule pay structure to a more "higher education" merit based pay structure. This pay system will be implemented the beginning of the third year of the new CBA. (Article 22)
- d) Develop a structure which recognizes the importance of using Graduate Assistants and Teaching Assistants in additional educational roles other than currently used. (Article 7)
- e) Develop mechanisms to permit the Indiana University of Pennsylvania (Indiana University) Ph.D and other PASSHE University Applied Professional Doctorates Graduate Assistants the opportunity to teach at Indiana University and other PASSHE Universities. Providing teaching opportunities to prepare these doctoral candidates for the job market (Article 7)
- f) Eliminate the election of department chairs and recognize the role of the chair in the administration of the University. Permit the appointment of the department chair by the President or his/her designee.
- g) The parties will jointly petition the Pennsylvania Labor Relations Board to create a supervisory unit for all department chairs.
- h) Recognize the academic qualifications of the PASSHE administrators; including the Chancellor and Office of the Chancellor staff and Presidents and permit these individuals to teach up to one 3 credit course during the academic year, summer or winter term for no compensation.
- i) PASSHE students in bachelors programs and masters programs both enroll in 400 and 500 level courses. Clarify that the majority of the students determine the faculty pay rate. The number of students from the respective program level (bachelors or masters) will determine whether the course is a 400 level course or 500 level course. If the number of bachelor level students exceeds the number of masters' level students, the course is a 400 level course. Conversely, if the number of master's level students exceeds the number of bachelor level students, the course is a 500 level course. The official count will be determined by the end of the third week of classes, based on the official roster at that time.

- j) Define continuing education
- k) Add to all references to President <sup>to</sup> "his or her designee"
- l) Provide rank and tenure for Presidents and all academic administrators.
- m) Counseling Center Counselors are required to work on a campus a minimum of a 37.5 hour work week. Separate evaluation criteria will be developed for these positions.
- n) The workload of a faculty member includes teaching, service, and scholarship. Workload hours and clock hours are not the same. (Article 4B) To clarify this, PASSHE maintains that faculty are required to attend department and university meetings; attend professional development functions; and perform other tasks of the academic profession as stated in Articles 4 and 12.
- o) Faculty are required to be available for planning, meeting, and advising one week prior to the beginning of each semester.
- p) Develop the evaluation criteria for athletic trainers with non-teaching duties.
- q) Develop the evaluation criteria for the athletic directors.

Other PASSHE interests /proposals may be developed during these negotiations.

Sincerely,



Michael A. Mottola  
Assistant Vice Chancellor for Labor Relations

MAM/tlh

c: John Cavanaugh, Chancellor  
Gary Dent, Vice Chancellor for Human Resources and Labor Relations  
William Gross, Mediator