

# Uncommon Sense

The Newsletter of the USF Chapter of the United Faculty of Florida  
(UFF is a Florida Education Association affiliate)

Volume 18, Number 1

Fall 2010

Join UFF today: visit our membership website at [faculty.ourusf.org/join-uff/](http://faculty.ourusf.org/join-uff/)

## The Grievance Process

Our contract is just a piece of paper. It's up to us to enforce it, and enforcing it is a major part of the union's workload.

The primary mechanism for enforcing the contract is the *grievance process*, when an employee or the union files a complaint that the contract has been violated. There are several things to know about these complaints:

- A *grievance* is a formal complaint that the contract has been violated. It is not a complaint that a supervisor has been stupid or unfair – being stupid or unfair are not violations of the contract – it is a complaint that some provision of the contract has been violated.
- Any employee within the UFF-USF bargaining unit may file a grievance, and so may the chapter itself (this last bit is one item UFF won in bargaining a few years back – and it gives us another tool for protecting employees).
- A grievance must be filed within 30 days of the violation of the contract.
- UFF cannot represent any employee who was not a UFF member *at the time of the violation*. One cannot get UFF representation by joining the union after the violation took place. However, we can and often do offer advice to non-members.

If you or someone you know has their rights violated, the first thing to do is to contact the UFF-USF Grievance Chair.

For many years, UFF's grievance work was done and overseen by Dr. Mark Klich, of the Counseling Office. He rescued many of our colleagues during his tenure, and won victories that rippled beyond our unit – like overturning  
*see The Grievance Process on page 2*

## Bargaining Impasse

On June 1, the Board of Trustees (BOT) declared *Impasse* in bargaining with the United Faculty of Florida. Issues at stake include layoff language and instructor promotion raises; UFF is defending the existing promotion raises for instructors and the existing protections on layoffs.

*Impasse* is a complex, costly, and time-consuming mechanism for resolving stymied negotiations, and is not to be used lightly.

The UFF and the BOT are bargaining the successor of the 2008 – 2009 contract (which should have been bargained and ratified *by mid-summer of 2009* but the BOT didn't have a Chief Negotiator...). The BOT finally brought proposals to the table in November, 2009, and soon proposed...

- Increasing managerial discretion when deciding whom to lay off – to the point of undermining tenure, and
- Specifying instructors as an exception to the generic language awarding 9 % promotion rises (the BOT prefers 6%), and
- Imposing permanent summer pay caps not indexed for inflation, and

other changes in the language.

*Changes in the language.* The UFF has represented Florida's faculty and professionals in public universities for over three decades. The UFF bargained contracts with the old Board of Regents, and then after the State University System reorganization of 2003, UFF bargained two contracts with USF's BOT. All these were not separate: they were an evolving sequence of contracts, each iteration with its victories. Sabbaticals won this year, academic freedom won that year, most recently (this spring!) domestic partner health benefits and instructor

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### **The Grievance Process**, *cont. from p. 1*

the administration's three involuntary vacation days inflicted on 12-month employees in 2008. He is retiring this fall, and we wish him well on his further adventures.

Dr. Klisch has been succeeded by Dr. Sonia Wohlmuth of the World Languages Department. Dr. Wohlmuth arrived at USF in 1987, and has held several positions in the Department of Language and Information Sciences; after receiving her doctorate in Romance Languages from UF, she moved to her current department. She has served the chapter as a UFF senator, as a FEA delegate, and as chapter treasurer. To contact Dr. Wohlmuth, call her at (813) 974-2231, send her an email at [swohlmuth@tampabay.rr.com](mailto:swohlmuth@tampabay.rr.com), or visit her at CPR 449 in USF-Tampa.

### **Bargaining Impasse**, *cont. from p. 1*

promotion procedures. Over the years, UFF has built a structure to protect the rights and interests of university faculty and professionals.

The BOT proposed that UFF concede past victories – without any reciprocation. The BOT refused to explain why it wanted the changes (even evading, stonewalling, and fumbling on the financial impact of their demands). And the BOT would not compromise: UFF presented compromises on each major issue (except layoffs), and got nowhere.

And then the BOT declared impasse.

There is a point where bargaining becomes appeasement, and it became clear in the summer that the BOT had several nonnegotiable demands. With the full support of the statewide executive director, the bargaining team is preparing for the rest of the impasse process without disarming unilaterally. The UFF team is willing to compromise, but UFF will not accept dictated terms.

UFF has run a few figures, and estimates that the cost differential between the current BOT and UFF positions for the coming year is between one and two hundred thousand dollars – less than the pay of a senior administrator. The impasse will tie up pay raises and planning for

months. It will poison the atmosphere just as the university needs all the unity it can get: next spring, USF will be fighting for its future before a legislature drenched in red ink.

It is difficult to see how this impasse is in the interest of the university or of the community. But such a crisis provides USF faculty and professionals an opportunity to win a greater say in the university. It has never been a better time to get involved in the university, especially the union and the senate (both of whom could use volunteers). This year could prove critical to the university's future.

Unless the BOT returns to the table, willing to actually bargain, the impasse procedure will run its course. The Special Magistrate will hear both sides soon, and compose a report. Hopefully, the report – or the prospect of a report – will spur an equitable and useful resolution to the dispute.

But the UFF is prepared for what comes, and has taken steps in preparation for many possibilities. News on bargaining is posted at <http://www.uff.ourusf.org/bargaining/Bargaining.html>.

## **Logistics**

The USF Chapter of the United Faculty of Florida publishes two newsletters, *Uncommon Sense* (see <http://w3.usf.edu/~uff/US/index.html>) and a UFF Biweekly (or, if you prefer, a fortnightly) every other Thursday, which presents news and items of interest (past articles are archived at <http://uff.ourusf.org>) and announcing the Chapter meeting the next day. All members of the bargaining unit should be getting both newsletters: to get on the mailing lists, contact the UFF/USF Webmaster, Greg McColm, via [uff\\_biweekly-owner@ourusf.org](mailto:uff_biweekly-owner@ourusf.org).

We have two websites, one on-campus at <http://w3.usf.edu/~uff>, and one off-campus at <http://uff.ourusf.org>. Come and visit us!

This fall, the USF Chapter of the UFF will meet on alternate Fridays during the lunch hour. We will be meeting on Aug. 27, Sept. 10 & 24, October 8 & 22, November 5 & 19, and December 3 (places TBA in upcoming Biweeklies). This is where decisions and plans are made, and all union members are invited to come (and bring a friend!). Sandwiches and soda pop are free. Come and join the movement.