

Issue 2 could change how faculty, administration work together

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The future of faculty unions in Ohio lies in the hands of voters.

The Senate Bill 5 referendum, which will appear as Issue 2 on Tuesday's ballot, will determine the future of collective bargaining in the state of Ohio. If the new law passes, it will ultimately shift the public workers' negotiating power to their employers.

Proponents and opponents of SB 5 have spent months hurling key talking points to push their messages. Supporters of the bill say it would offer more flexibility to university administration, while others argue that limiting faculty unions in their ability to form and exist would ultimately take faculty out of key

policy making.

A 'yes' vote on Issue 2 would maintain SB 5, and a 'no' vote would repeal it.

Language in the bill reclassifies faculty who serve on committees or who are represented by Faculty Senate as "management," said Deborah Smith, associate philosophy professor and grievance counselor for the American Association of University Professors. This encompasses all faculty and by law, management cannot unionize.

Under current law, unions can negotiate wages, benefits and working conditions, including faculty governance.

Without a union contract, the university could decide how little or how much a raise to give faculty members, how much health benefits would cost and what they would cover and how much input faculty has in university

policymaking.

Smith said Senate Bill 5 takes away faculty's ability to ensure the university follows policies.

"I don't want to suggest that they suddenly would go crazy and start not following these things," Smith said. "But it's nice to know you have something to fall back on if they don't follow the policies or they don't follow the processes, and that's what we lose if SB 5 goes into effect."

Faculty Senate currently has influence on curriculum and other policies. This power is written into the contracts, saying that both the senate and the administration have to agree on policies before they are passed to the Board of Trustees.

SEE ISSUE 2, PAGE 2



From Page 1

ISSUE 2

Issue 2 could change how faculty, administration work...

"But unfortunately that veto power of the Faculty Senate side is a creature of the contract," Smith said. "So although on the one hand, we'd be declared management, we'd actually lose our veto power — one of the few places where we have any sort of managerial authority."

These powers won't automatically disappear. It would just be up to the university to continue to give Faculty Senate's input weight in their decisions, Smith said.

President Lester Lefton said in a statement that faculty members are central to the university.

"Kent State University recognizes the importance of shared governance," Lefton said. "The Faculty Senate plays an integral role in governance and policy development at this university, and it is certainly our intent for that relationship to continue, with or without collective bargaining."

Bruce Johnson, president of the Inter-University Council, said that if Issue 2 passes, universities will have more "flexibility," which would ultimately enable them to hold down costs and help control tuition increases.

"It reduces the costs associated with the administration of personnel on university campuses (and) provides the administration with more flexibility in that regard," Johnson said.

He said this is the driving force behind the council's support of SB 5. Faculty are given input on a whole series of issues through a process called shared governance.

"So at most universities in the country there is no collective bargaining for faculty unions and so the communication on those campuses still thrives from our perspective and represents a better model," Johnson said.

Lefton said shared governance between faculty and administration at Kent State pre-dated collective bargaining.

"At Kent State, the Faculty Senate Charter and Bylaws are incorporated into the University Policy Register, not the Collective Bargaining Agreement," Lefton said. "The university relies on consultation with its faculty through the shared governance process on a wide range of issues."

John Green, director of the Bliss Institute at University of Akron, said SB 5 also allows university administrators more flexibility in

Effect on students

- It's hard to tell what changes students will see if Senate Bill 5 is maintained.
- John Green, director of the Bliss Institute at University of Akron, said that if SB 5 is repealed, students won't notice a difference in how the university operates, but if it is maintained, they could see gradual changes.
- "The way in which faculty salaries are calculated the way in which faculty are recruited would slowly change," Green said. "It's possible that that would lead to a decline in the quality of faculty, which would eventually have an impact on students. But it's also possible that other mechanisms would be found to keep up the quality of the faculty. So students might not be impacted very much at all."
- Bruce Johnson, InterUniversity Council president, said the most direct impact of SB 5 on students is its potential to keep tuition increases reasonably low.
- Deborah Smith, associate philosophy professor and grievance counselor for the American Association of University Professors, said if SB 5 were enacted, it's possible that the practices of the university wouldn't change — depending on how much involvement the administration gave faculty senate.
- "In that case there would be no effect on students," Smith said. "But it's also possible that the practices with respect to curriculum and other faculty governance issues that ultimately affect students would change radically where the faculty would have no real input. They'd have the right to give their recommendations, but it would have no weight of any sort."

regards to contracts.

"That doesn't mean that they would mistreat their faculty — they might find ways to treat them very well," Green said. "It wouldn't be like bargaining and having a contract and then having to stick to the contract; it would be a much more flexible process."

SEE ISSUE 2, PAGE 4

From Page 2

ISSUE 2

Issue 2 could change how faculty, administration...

In negotiations, Smith said when two parties reach an impasse, each side has some sort of leverage. Under SB 5, the employer has the leverage of imposing its last best offer while the employee has nothing.

"Of course bargaining itself only works when both parties have some leverage," Smith said. "There's some motivation to actually reach a compromise. But if one party, the employer going in there knows that at the end of the day, they're the only one with leverage, there's really no room for compromise or bargaining at all."

Currently, faculty unions negotiate a "master contract" with the administration through collective bargaining, Green said. The master contract sets guidelines that govern how each faculty member contract is written. If faculty wish to further negotiate for added merit raises or other terms, they may do so but only under the parameters of the union's contract.

"So for instance, a faculty union might negotiate with the administration and arrive at an agreement that there would be a three percent raise every year," Green said. "Now some of that money, some faculty might get bigger raises than others because they had more merit, but every year there would be at least three percent more dollars to distribute across the faculty."

In the absence of the union and the master contract, "there would be no collective voice of the faculty," Green said. Instead, each contract is negotiated indi-

vidually, and each university would have to come up with a process to do that, he said.

Not having a faculty union to represent contractual wishes can be positive for some faculty members, Green said.

"There are faculty who believe that they'll do better individually if there's no faculty union," he said. "But by the same token there are other faculty who would think that belonging to the union is a good thing and believe that they will benefit, so those individuals would not be very happy if Senate Bill 5 stands."

Smith said SB 5 restricts the topics of collective bargaining. Faculty would no longer be able to bargain pensions or health care — the law sets a minimum of 15 percent employee contribution to health care costs and requires a 10 percent contribution to retirement plans.

Smith noted that faculty have never bargained pension at Kent State and have always paid the 10 percent. For health care, the faculty union at Kent State has historically bargained for a progressive payment.

"We agree with the university what the median salary employee should be paying for health care, and then people who make more than the median salary pay more and people who make less than the median salary pay less," Smith said.

This part of the bill would actually reduce what she is paying, she said, but she knows it would be at the cost of her secretary, who would have to pay twice the amount.

"We've agreed to take on

more than that so that our maintenance workers, our secretaries, our groundskeepers who make — some of them only make like \$22,000 a year — so that they can actually afford their health care."

Smith said that trade-offs have been made in previous negotiations. For example, the faculty may have taken a smaller raise in exchange for more health benefits. That wouldn't be possible without a contract, she said.

"Quite frankly it limits the employers too because now if the only (thing they) have to negotiate is salary, there's nothing to trade off," Smith said. "Collective bargaining involves making compromise and making trades. So where there are what look like these pretty nice deals, it's because there were trade-offs that both sides agree to."

Smith said even if SB 5 passes, there are still many questions that need to be answered.

"I think at the end of the day there would probably be lawsuits," Smith said. "And it would have to work its way through the court, and the court would make some determination about what the intent of the language was."

She said Tuesday's election is a "big 'if.'"

"What we're losing is a guarantee," Smith said. "So when the guarantee is gone, maybe things stay the same; maybe they don't. We really don't know."

Lydia Coutré is the news editor for the Daily Kent Stater.

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