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From Your President

David Schimpf

Defending Member Rights

As I mentioned briefly to faculty by e-mail in October, UEA had its position upheld by an arbitrator's opinion in October.

Now for some of the rest of that story.

The dispute was about the eligibility of part-time faculty to purchase UPlan group health insurance by paying the full cost. One of our faculty members was hired to teach a number of courses, all of which turned out to be Continuing Education (CE) sections in the same semester. The total appointment was substantial, nearly 70%-time. This falls below the 75% threshold for University subsidy of the cost of the insurance, but the member did not seek that subsidy. The member sought to purchase the insurance by paying the full cost, which is supposed to be allowed for employees who are 50%-time or greater. The University denied the request, on the grounds that CE courses should not count for this eligibility because they are "ancillary work." Yet the member had been informed in the administration's letter of offer that it was necessary to resign any other position. The member was unable to purchase individual (i.e., non-group) health insurance in the private market because of a pre-existing condition. The arbitrator ruled that any member who is in this

percent range through CE assignments should be allowed to purchase the insurance.

If you scrutinize the UEA contract, you will not clearly find the basis for the arbitrator's opinion, because it comes from other memoranda of agreement between UEA and University administration. It's useful to be aware that the contract is only one of five interlocking sources of the policies and procedures that govern our work as faculty. The just-mentioned other memoranda are a second type of source, unwritten past practices acknowledged by both UEA and administration are a third, certain all-University policies outside of the contract that also apply to us are a fourth, and the Minnesota Public Employment Labor Relations Act is the fifth. It is important to have faculty and Education Minnesota staff who know about these various elements in order to be able to support members correctly. It's messy, but probably no more so than for faculty not represented through collective bargaining. But without a union, each of you would need to be your own policy expert.

Binding arbitration for a dispute over employment policy interpretation is much like a non-jury court trial, with opening statements from the counsels at the hearing, with witnesses testifying and being cross-examined, with documents being submitted by counsel to the arbitrator, and with written summary briefs submitted by counsels after the hearing. Arbitration may also be pursued in instances in which it is contended that a disciplinary penalty for a faculty member is

disproportionate. Through UEA's affiliation with Education Minnesota, UEA receives the services of EdMn staff attorneys who are experienced in advocating for educators' rights. We had two such attorneys serving for this particular hearing, and they did an outstanding job of representing us. As a result, our members will be treated more reasonably and equitably. It's another benefit of our joining together. This is the fourth arbitration with which I've been involved. Some UEA won, some we lost, but in all cases it is deeply satisfying to be able to do the right thing. And, even when we lose one, it clarifies policies.

Politics Not Far Over the Horizon

The year 2012 may be pivotal for politics in Minnesota. Census-based redistricting will draw new lines for legislative and congressional districts, which will be the settings for the general election on 6 November 2012. With a State

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From the President-Elect

Michael Pfau

Help to Make “Workplace Democracy” More of a Reality at UMD

Workplace democracy, understood as the capacity for workers to take part in the decisions made in their workplace, is both an ideal worth striving for and a rare occurrence in contemporary American society. But here at UMD we are in the enviable position of working in a place where the potential for workplace democracy is not only possible, it is actually part of our jobs. Participation within UEA, and participation within campus governance structures – each providing opportunities for workplace democracy – are actually part of our compensation structure under the category of “service.” That’s right, we can earn our pay, our tenure, and our promotions in part by participating in campus organizations and structures that give us a voice in the decisions about the future of our campus community.

Campus governance structures are understood to function in a capacity that is “advisory.” That is, high level administrators such as the chancellor or vice

chancellors have the ultimate say. While this fact makes campus governance structures less democratic, our new chancellor has indicated a willingness to listen that may provide us with an opportunity to improve our campus governance processes in a manner that enhances the voice of faculty and other campus workers. In this respect, I think it behooves every one of us to consider serving on committees whose decisions are potentially meaningful and salient to our lives at UMD.

While campus governance is merely “advisory” to administration, our faculty union, the University Education Association, negotiates and implements a contract that is legally binding. In this respect, UEA provides even more opportunities for your voice to have an impact on this workplace. The first step in having your voice heard, of course, is to become a full member of UEA, which is as simple as taking a minute to fill out and turn in a membership enrollment card. Once you are a full member, the next step is to get involved in the organization in additional ways. The simplest way, perhaps, is to consider becoming your department’s representative to UEA’s Representative Council. It is not a large commitment – the Representative Council typically meets only two times a

year – but it is another way to meaningfully participate. If your time and schedule permit, I hope some not insignificant number of you will consider running for one of our UEA elected offices (elections are to be held this spring), or accept an appointment to another position on the UEA Executive Committee.

Participation in UEA and campus governance is not only a way for you to help make workplace democracy more of a reality here at UMD, it also counts as University “service,” a category of activity that is an explicit part of almost all faculty members’ workload. University service is also a category of activity that can help you earn the tenure, promotion, or merit raises that you deserve. In this respect, your participation can not only help us all realize the goal of a more democratic society, it can help to ensure that your work is officially acknowledged. For both of these reasons – ideal and practical – I hope that all of you will consider stepping up to join and/or actively participate in UEA, and to serve within campus governance structures.

Faculty Awards

Congratulations to Linda LeGarde Grover (American Indian Studies), who received the Janet Heidinger Kafka Award for her book *The Dance Boots* at a ceremony and reading at the University of Rochester on November 3.

Congratulations to Jean “Rudy” Perrault (Music), who received the Gallery of Success Award from the Boyer College of Music and Dance at Temple University, which is his alma mater. A portrait of him was unveiled in the Great Court of Temple’s Mitten Hall.

Congratulations to Andrea Schokker, the UEA-D representative from Civil Engineering, who was appointed UMD’s Executive Vice Chancellor for Academic Affairs.

Members are encouraged to contact Scott Laderman (laderman@d.umn.edu; 726-7207), the UEA Information Officer, with news of member awards and accomplishments.

From the Grievance Officer

Jannifer David

Are You Ready for the End of the Semester?

So, we are well into the fall term. I've noticed that people are starting to look a little stressed, mostly students, but some faculty too. As final exams approach (yes, they are coming) and those end-of-term papers and projects loom, even the best of us can feel the pressure. How do you cope with stress? Years ago when I was a new faculty member, a colleague of mine watched me freak out during the end of the term. He very kindly suggested to me that I get ahold of myself. Which sounded good, but how? Some of his advice seems obvious now, but then it was a revelation. So at the risk of telling some of you what you already know, I will repeat his advice and add some other things I've learned since then. Maybe a kernel of it will help you as well.

To begin with, *have a sense of perspective*. We are university faculty. Our role in society is terribly important, but getting papers or quizzes back to students the day after they turn them in will probably not improve the world significantly. If you are grading until the wee hours of the night, consider stopping that habit and picking up where you left off the next morning. Spacing out the grading gives you the advantage of having more time to consider students' responses and the ability to be more thoughtful in your comments. To be clear, I'm not suggesting that you delay grading indefinitely. I'm recommending that you consider a reasonable daily grading sched-

ule that includes some hours – but not 20 – of grading per day.

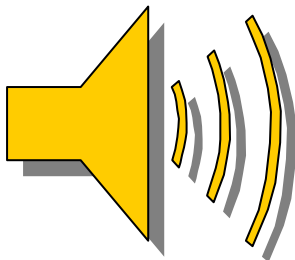
The second piece of advice is to *take care of yourself*. The research shows overwhelmingly that getting enough sleep (7 to 8 hours a night), exercising, and eating well will make you more productive during the day. This is the time in the term when we need all of our wits about us. So be your best advocate and put some of your own needs first. Also, in this category, remember that dark chocolate is now considered a health food!

My third piece of advice is something you may want to consider for spring term, if you haven't already done it for this semester. Alas, if you have not considered this before now, it is too late for many of you for this term. *Don't assign any large projects or papers to be due during the last week of class*. Having a week or so of buffer to grade papers/projects before you have to grade the final exams will give you more time to grade them and reduce the pressure on you immensely. Most of us when we assign the end-of-term papers want our students to have their grades on these papers/projects before they take their final exams. We want each student to know where s/he stands in the class before taking that all important final. Having a paper/project due on the last day of class can mean you only have a day or two to grade them all! This is a recipe for staying up all night and slugging down pots of coffee. Give yourself the extra week. Your nerves will thank you.

Be nice to others. As you go about your daily business, recognize that many others are experiencing the same stressors you are facing. An extra second to give a smile or encouraging word could make their day better, which will probably make your day a little better as well.

Yes, the end of the semester can be a stressful time. The day-to-day realities of grading, meeting with students who are worried about their grades, and creating exams that test students' understanding of course material in a thoughtful and complete manner may at times seem like thankless work. But my final piece of advice is to remember this: *We are privileged to be shaping tomorrow's world through our students*. Whenever I start getting grumpy about my work, I think about the students who have thanked me for changing their lives. I also think about the many wonderful teachers I had going through school and how they made me a better person by constantly pushing me to stretch my mind more than I thought possible. I promise you that five minutes spent thinking about these positive results will make the grading go better.

I wish you all a wonderful end-of-term season full of lots of learning (and at least a little chocolate).



Winners!

Congratulations to the UEA-D members who won \$25 gift cards in UEA-D's Health Fair drawing: Jill Strand (Supportive Services), Praveen Aggarwal (Marketing), Cindy Spillers (Communication Sciences and Disorders), and Mary Caprioli (Political Science).

From the BAC Representative

Jennifer Schultz

Most of you should now know that employees' share of medical and dental premiums substantially increased in 2012. As your Benefits Advisory Committee (BAC) Representative, I attend biweekly meetings of the University of Minnesota BAC. In late 2010 BAC was told by administration that the University's budget for medical and dental coverage needed to be reduced by \$12 million in 2012 and \$10.5 million ongoing. This reduction is on top of the savings the University will be generating from going from two plan administrators to one starting in 2012. The projected savings of having Medica as the sole administrator is estimated at \$14 million over 6 years. Administration's solution to reduce the benefits budget was to shift medical and dental coverage costs to employees. The BAC had strong objections to this cost shift. UEA had even stronger objections. UEA sent a letter voicing strong opposition to these changes to President Bruininks last spring and to President Kaler this past summer.

The BAC debated different options for the implementation of the cost shift,

given that it was going forward. Ultimately, administration decided to pass on the costs to employees by reducing the University's share of the total health insurance premium and increasing employees' share. It is important to point out that this cost shift was *not* a result of higher medical rates. Without the employee cost shift medical rates across all health plans would have increased by only 5.9%, significantly below the national average of 7-9%. The cost shift was implemented by increasing employees' share of health insurance premiums by the same percentage for all plan types (34.6%). Thus, for the base health plan, this resulted in an increase of \$228 annually for single coverage and \$984 annually for family coverage. Employees will be paying higher copayments for prescriptions, office visits, ER visits, walk-in clinics, and MRI/CT scans as well. These increased copayments will likely result in a \$125 average annual increase in employee out-of-pocket spending. The University has also decreased its contribution to dental coverage premiums by 2 percentage points for single coverage and 8 percentage points for family coverage. Thus employees' overall compensation has decreased as a

result of these cost shifts.

There may be some relief to eligible employees. The University is offering to subsidize health insurance premiums in 2012 for employee households that qualify according to total household income and insurance coverage level. For information and the application form, go to <http://www1.umn.edu/ohr/benefits/medical/MedicalPremiumRelief/>. If employees meet the qualifications, they need to apply by December 15, 2011, to receive the full premium credit amount. You will need to submit a copy of your 2010 tax form to Employee Benefits along with the application. Your tax form is needed to verify eligibility based on household income. The University has not committed to providing an extra subsidy like this beyond 2012.

Starting in 2012, you will be eligible to participate in a new wellness program that can potentially reduce your medical plan premium by \$300 (single coverage) or \$400 (family coverage) in 2013. Look for announcements from Employee Benefits.

UEA/EM/NEA/AFT RESOURCES

Nominations open for Education Minnesota Human Rights Award

Any member of Education Minnesota is eligible to be recognized for outstanding work to protect the human and civil rights of other educators and students. Nominations are open for the 2011-12 recipient of this honor. The recipient is recognized at the Education Minnesota Representative Convention and is eligible for recognition in the National Education Association's Human and Civil Rights Awards programs. For information about the award and the nomination information, go to www.educationminnesota.org, then choose Events & Programs for the links.

Plan your winter vacation with Access to Savings

Access to Savings, the discount program for Education Minnesota members, offers discounts on various vacation destinations. Endless Vacation Rentals offers 35 percent off rentals, such as ski vacations, warm weather destinations and overseas. Receive 4 percent cash back on every cruise vacation booked through Cruise and Vacation Perks. Save up to \$300 per reservation on a three-night or longer air and hotel vacation package through Funjet Vacations. TNT Vacations offers 5 percent off already discounted rates to the Caribbean, Bermuda and Mexico. For more information on these deals and to view additional savings, go to <http://www.educationminnesota.org/en/membership.aspx> and click on "Log in to Access to Savings." Members will need to be logged in to the website to view this page. You will need to register or sign in to NEA's website to receive the discount.

From the Information Officer

Scott Laderman

Who Matters Most at the University of Minnesota

The *Northern View* is not the sports pages, but we should all take notice of a couple of recent developments in college athletics. The story that has by far received the most attention is the failure of Pennsylvania State University to report to the legal authorities that a former member of its football coaching staff was allegedly caught raping a child in a team locker room in 2002. Instead, according to a grand jury investigation, Penn State simply ordered the one-time assistant coach, Jerry Sandusky, not to bring any more children to campus.

Sandusky has been charged with sexually abusing eight boys over a fifteen-year period. Some of the alleged abuse took place when he was on the Penn State payroll. There are indications that, upon further investigation, the number of victims may increase. The entire affair offers a stark reminder of the shocking influence that athletics wields in the modern American university.

Which brings me to the University of Minnesota. The University recently agreed to a seven-year contract for its head football coach at the Twin Cities campus. The contract will reportedly pay the coach at least \$1.2 million per year for seven years. I am not going to write today about the obscene amounts

paid to college coaches, often making them the highest-paid public employees in a state. Nor am I going to question why the coach at the U was offered a raise and a two-year contract extension at a time when his team had amassed a 1-6 record (it is now, as I write this column, 2-9).

No, as a member of the University faculty, it is another, less-remarked-upon element of his contract that I find most galling. To wit, the University agreed to pay the coach \$600,000 per season for every season his contract goes unfulfilled. In other words, if the University decides to let the coach go at the end of next season, that would leave five years remaining on his contract. At \$600,000 per year, the University would have to pay him \$3 million.

As faculty, we have made considerable sacrifices in recent years. We have done so because, we were told, the University was facing a serious budget crisis. To overcome this crisis, former president Robert Bruininks insisted, there had to be “shared” pain. That was bunkum. Did you know that Bruininks, like other administrators on eleven- and twelve-month contracts, received what essentially amounted to a bonus – a “twenty-seventh paycheck” – at a time when we as faculty had agreed to a “temporary compensation reduction”?

Faculty are at the core of the University’s mission. Unlike coaches, we do

its teaching, we conduct its research, and we are responsible for much of its service. Like staff, we have taken a considerable financial hit in the last few years. Some non-regular faculty have had their contracts non-renewed. A number of tenure-stream lines have been lost. Those of us who remain have enjoyed one negligible raise – a raise that still left our purchasing power below the rate of inflation. We’ve been told that we’ll have to pay a greater share of our medical benefits. And our newest colleagues, in an ill-advised creation of a dual-track employment system, have seen the University’s contribution to their retirement plans go down. All of this has been done, the administration maintains, because the University is in the midst of a crippling budget crisis.

Yet Jerry Kill can still be paid \$600,000 per year for *not* coaching the Golden Gophers. It would take me ten years to make that much – and I earn more than many of my colleagues. As UEA prepares to enter negotiations this spring, I hope we can all remind our many comfortably paid administrators that the University has some explaining to do. Here’s my question that I hope someone in the Twin Cities might answer: How is it that there is no money to keep overall faculty and staff compensation from falling yet potentially millions of dollars can be found to pay a coach – a coach! – *not* to work for the University?

OTHER ANNOUNCEMENTS

The next Education Minnesota (EM) Representative Convention will be held on April 27-28, 2012. UEA-D members who wish to propose amendments to the EM Constitution and Bylaws should contact Celeste Dallman in the UEA office by no later than December 5. Those wishing to propose Action Items or amendments to EM’s Legislative Positions or Statements of Principle must submit them to Celeste by March 6.

From Your President

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operating budget already enacted for 2011-2013, the legislature is expected to spend much time trying to pass proposed amendments to the Minnesota Constitution. Any such proposals would be decided upon by voters statewide next November. This approach is expected because the legislature is less likely to achieve the same policy goals through passing statutes. The Governor would be expected to veto those proposed statutes, but has no say on the placement of proposed constitutional amendments on the ballot. The legislature understands that its balance of power may shift in next fall's election, so the legislative majority may go for broke this coming spring.

Among the possible proposed amendments is one that would remove the current mandate that employees, such as yourself, must pay fees to the union that is certified to represent its employee group with its employer, even if the individual employee chooses not to join the union. The euphemism, which some

succeeded in making a common label for this, is "right-to-work," so this would probably be dubbed the right-to-work amendment. At first, this may seem fair; why should someone have to pay for an organization that she/he chooses not to join? If we move beyond that sound-bite, however, it must be noted that federal and state law requires that the union must enforce its contract for all of the employees whom it represents, whether they join the union or not. Selective enforcement cannot be practiced, a prohibition which is known legally as Duty of Fair Representation. Thus, under the proposed amendment, an employee could get services from the union for nothing, while others pay for them; now what's fair? Enforcement for other employees may protect you even if you were not directly wronged, by dissuading the employer from straying from its obligations.

Individuals already have a right to work, if an employer finds their qualifications to be a suitable match for its perceived

needs. They have a right to choose to work for an employer that does not have unionized employees, and a right to not pursue work for one with unionized employees. Those rights would not change.

The right-to-work idea has superficial appeal. I myself found it persuasive when I was young and less experienced. But my thought processes matured as I learned other facets of the issue. In employment discourse, an employee who is protected by a union without paying for the union is known as a "free rider." A slogan never captures all that should be considered, but a more accurate label for a "right-to-work" amendment might be "right-to-freeload." Analyses show that forcing unions to serve employees who pay nothing for the service leads to weakened union effectiveness. Emboldened employers can then tighten the financial stress on employees and cause an increase in the number who choose not to pay the union. Having an even more weakened union then further strengthens the employer's hand, in a vicious circle. Right to Work or Rights at Work? You won't have both.

We're on the Web
uea.locals.educationminnesota.org

UEA-D EXECUTIVE COMMITTEE

President: David Schimpf, x7265, *dschimpf*
Vice President: Evan Brier, x7839, *ebrier*
President-Elect: Michael Pfau, x8886, *mpfau*
Past President: John Hamlin, x6387, *jhamlin*
Treasurer: Linda Grover, x7723, *lgrover*
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Head Negotiator: John Hamlin, x6387, *jhamlin*
Contract Administrator: Al Roline, x8550, *aroline*

Grievance Officer: Jannifer David, x8692, *jdavid*
BAC Liaison: Jennifer Schultz, x6695, *jschultz*
Legislative Liaison: Michael Mullins, x6155, *mmullins*
Information Officer: Scott Laderman, x7207, *laderman*
Safety Officer: Steve Sternberg, x6165, *ssternbe*
Rep Council Liaison: Jill Torres, x6758, *jtorges*
Rep Council Liaison: Karen Gran, x7406, *kgran*