

**(Many More Than)
Three Days in October:
Negotiating for a new Contract**

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Introduction

On Wednesday, October 19, 2017 at 5:00 a.m., the first strike in the history of the Association of Pennsylvania State College and University Faculties (APSCUF) was called by President Ken Mash. The article that follows provides a context of how the lack of funding of higher education in Pennsylvania impacted negotiations. Also discussed are aspects of the negotiations that took place between APSCUF and the State System as we sought a new Collective Bargaining Agreement.

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Context: Defunding Public Higher Education in the Commonwealth of Pennsylvania

The Commonwealth of Pennsylvania provides funding for various institutions of higher education. Those receiving state support include community colleges, state-related institutions (Penn State University, the University of Pittsburgh, Temple University, and Lincoln University), the Pennsylvania Higher Education Assistance Administration (PHEAA) and the Pennsylvania State System of Higher Education (PASSHE). We will focus on the funding for the State System as it is the entity in which APSCUF faculty are employed. It is important to consider the origin of the State System of Higher Education as this system was envisioned to be, and still is considered to be, the publicly funded higher education system in Pennsylvania.

Pennsylvania's State System of Higher Education was formed in 1982 by Pennsylvania Act 188. This legislation stated that the purpose of the State System "shall be to provide *high quality* education at the *lowest possible cost* to the students" (Act 188 – italics added). The State System is comprised of 14 universities that, in 2016-17, provided education to nearly 107,000 students. This makes Pennsylvania's State System of Higher Education "the largest provider of higher education in Pennsylvania, and is among the largest university systems in the United States" (www.PASSHE.edu). The large majority, nearly 90%, are residents of Pennsylvania and many of the students are first-generation college students. Thus, the State System was designed to provide a high quality education for those individuals who may not be able to afford a state-related or private university.

In 1982-83, the State System received \$230,444,000 in state funding. Adjusting for inflation, that is the equivalent of \$576,535,000 in 2016, but state appropriations were not close to that and amounted to \$444,224,000. This represents only a 9.3% increase in this 34 year period. In 1982-83, the yearly cost (tuition, room & board, fees) for attendance at a PASSHE school was approximately \$3,474.00. That amount

represented approximately 23% of the total cost and state appropriations covered the remaining 67% of the cost. In 2015-16, the yearly cost for attending a PASSHE school was approximately \$16,590 with state appropriations covering approximately 30% of the cost, resulting in the student needing to pay for the remaining 70% of the cost.

A recent Young Invincibles report entitled, “Student Impact Project: 2016 State Report Cards,” examined nationwide funding for higher education and the costs borne by families and students. This report considered funding from 2008-14—a period of time after the Great Recession. According to this report, Pennsylvania had the third largest cuts (behind Louisiana and Alabama) to higher education during that time frame (37%), and moreover, in 2014, higher education funding represented only 2% of the state budget. As a result, students and families bear a lot of the costs of higher education as Pennsylvania is fifth in highest “family share” costs nationwide (72%). Clearly, as the cuts to higher education in our state deepen, the costs are being shifted to our students and their families. Perhaps not surprisingly, students and families who may be able to least afford higher education are finding it difficult to attend a college or university as this report indicated that in Pennsylvania there is “a 10 point attainment gap between African Americans and their non-Hispanic white counterparts, [and] worse, Hispanics have a 20 point gap” (Young Invincibles, p. 49).

The lack of state funding not only impacts students, but it also impacts the 14 state universities, as their budgets have been cut and many have experienced enrollment declines. Compounding this situation is that the leadership of the State System has done little to advocate for additional funding for the system and the universities. This is the climate in which our faculty are doing their jobs and are expected to ‘do more with less.’

The state system negotiators repeatedly pointed to lack of funding as a reason for the concessions (discussed below) that they were demanding from the faculty. There were, how-

ever, more insidious factors at play. These include very negative views of faculty and faculty work by many in leadership positions at several of the universities and in the Office of the Chancellor, a grim view of shared governance by many of these same individuals, a budgeting process that lacks true transparency, and the regular issuance of retrenchment letters (or threats to issue them) at several universities. This last factor, the cloud of retrenchment, has negatively impacted morale on those campuses that receive a letter. It is within this context that our negotiations began.

Negotiations

The collective bargaining agreement expired on June 30, 2015. Negotiations began prior to the expiration of the collective bargaining agreement but not in earnest. To begin with, we had trouble agreeing on ground rules for our negotiations. Most problematic was the assertion by the State System that they planned to post any written proposals made by either side on their website and this was a departure from negotiations in prior years. This made it extremely problematic for APSCUF to provide written proposals. The negotiations teams met on a regular basis through the summer of 2015 and in the fall 2015 semester. During that time frame we received very few written proposals from the state system, and the best we could accomplish were some minor housekeeping changes in the CBA.

In late January or early February of 2016, the State System retained a new law firm and a new chief negotiator for the state system. This change (along with a general lack of urgency) resulted in an approximately three-month period of time when the negotiation teams did not meet. After only one meeting in April, 2016, there was another 2 month gap in negotiations. In June 2016, nearly one year after the expiration of our contract, the state system handed our team a 146-page proposal that contained 249 changes to the collective bargaining agreement, including many that would undermine quality

education. The most contentious issues in this proposal were related to retrenchment of faculty, increased workloads for many faculty (including adjunct faculty, counseling faculty, and faculty teaching laboratory courses), allowing more graduate student teaching, and shifting significant health care costs to the faculty. The State System was trying to obtain approximately \$80 million in concessions from the approximately 5500 members of APSCUF.

Negotiations continued throughout the summer months and into the fall semester, including multiple day sessions. The state system responded to every action APSCUF took toward a strike by proclaiming that “they always do this.” As the month of October arrived, the number of negotiation sessions increased, including a marathon session from October 14-18. On October 18, the day before the strike our negotiations began to break down as the day wore on. At approximately 9:00 p.m. the State System gave us their “last best offer” and said that they were finished negotiating. Their last best offer was a regressive proposal, and it included language that ignored previously negotiated tentative agreements. The APSCUF negotiations team remained at the table until 5:00 a.m. on October 19.

The interpretation of the authors of this paper is that the State System wanted to “call our bluff.” It seems that, (a) the State System did not believe that we would call a strike, (b) that if one was called that most faculty would not honor the strike, and (c) if the faculty did honor the strike that our students, their parents, and the general public would be angry with the faculty members. The State System gravely miscalculated. When the strike began at 5:00 a.m. on Wednesday, October 19, picket lines quickly formed on all 14 campuses, all branch campuses, and the Dixon Center in Harrisburg. One of the authors returned to IUP later that day to walk the picket line at that campus. The faculty were out in force, students were everywhere, and they, and local merchants, were bringing food and drink to their faculty members. Many of the students carried signs in support of the faculty, and mem-

bers of other unions showed their solidarity on the picket lines. This occurred across the 14 campuses. Perhaps surprisingly, at some of the campuses members of the administration visited the picket lines to talk to faculty and maintain the best possible relations.

As the strike continued, and because the State System had declared that they were finished negotiating (which they later denied stating), back channel negotiations began. Through this process we were able to reach an agreement in which APSCUF was able to hold the line on the State System's proposals that would undermine quality education as well as attempts to change workload and cut adjunct pay. The strike ended at 4:00 p.m. on Friday, October 21.

Conclusion

The APSCUF negotiations team learned many things from the process of working to secure a new collective bargaining agreement. We learned that negotiations are exhausting. We learned that negotiations and mobilization go hand-in-hand. We were reminded that faculty members are willing to stand up for one another, and that they were willing to say, "enough is enough." Perhaps most importantly, we learned a lot about our students. They understood the issues we were fighting for and knew that many of the changes sought by the state system would be detrimental to their education. Finally, our understanding that we are educating future leaders was reinforced by the students' behavior.

The current contract will expire on June 30, 2018 and this means that negotiations will begin in the summer of 2017. While the thought of again sitting across the table from the negotiators from the State System is not a pleasant one, we do believe that the tone and tenor of these negotiations will be different because of the strike. The State System can never again claim, "APSCUF always threatens to go on strike, but they never do." They now know that we have and that we will again if necessary.

Reference

Young Invincibles. (2016) Student impact project: 2016
State Report Cards. Washington, D.C.



APSCUF Negotiations Statement – 10/12/2015

For Immediate Release

For more information contact:
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The negotiations session scheduled for today, Monday October 12, has been cancelled by the State System. The APSCUF negotiations team is meeting internally today at the APSCUF office in Harrisburg.

The next round of negotiations is scheduled for Friday, November 6.



APSCUF Offers Contract Compromise

FOR IMMEDIATE RELEASE

Contact: Carrie Hillman
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APSCUF OFFERS CONTRACT COMPROMISE

(Harrisburg, Pa.) – As the budget impasse moves past the 100-day mark and several universities are poised to raise tuition substantially, the Association of Pennsylvania State College and University Faculties (APSCUF), which represents almost 6,000 faculty and coaches at the State System universities, offered a contract compromise to ensure stability for students and their families.

APSCUF has informed Pennsylvania's State System of Higher Education that the faculty will accept an agreement in line with that the one negotiated between the governor and the American Federation of State, County and Municipal Employees. The State System has already reached similar agreements with its other unions. The details of the offer include a one-year interim contract and a step increase effective in January. APSCUF has also asked that the System provide updated financial information in a timely fashion.

The contract compromise will help students deal with the uncertainty of tuition and the lack of state support. Last week the State System voted to significantly increase tuition at several universities.

“While this compromise does not begin to address our faculty members’ concerns, we believe it is most important to restore some stability for our universities while the General Assembly negotiates a budget,” APSCUF President Ken Mash said. “We all owe it to our students and their families to remove any concern about their faculty remaining in the classroom this academic year.”

APSCUF anticipates a quick and favorable response from the State System board. In addition to the step increase, this offer calls on the System to continue to provide money for faculty research.

The next round of negotiations between APSCUF and PASSHE is scheduled for Friday, November 6, following the System’s cancellation of a session on October 12. APSCUF hopes to immediately begin negotiations on a new contract for the following year.

The State System universities are Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester Universities of Pennsylvania.



State System Rejects APSCUF's Revised Contract Compromise

Nov. 20, 2015

For Immediate Release

For more information, contact:

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Negotiations between the Association of Pennsylvania State College and University Faculties and the State System still have not yielded a new contract.

APSCUF's negotiations team met this morning with the Pennsylvania State System of Higher Education and put forward two offers. One was a revised one-year contract compromise. The other included an updated proposal on re-trenchment as part of a long-term contract.

After about an hour-long caucus, the State System rejected both.

"We agree with the State System's head negotiator when he said the gulf between us may be as large as the Grand Canyon," said Dr. Jamie Martin, APSCUF's vice president and head of its negotiations team. "The System owes it to

its students to provide the best-quality learning environment. That can only happen if the faculty are given a fair contract.”

Talks slated to continue Monday, Nov. 23, were canceled. APSCUF has offered to meet next month, if the State System has a new proposal to discuss. Otherwise, negotiations will continue in January.

Faculty and coaches at Pennsylvania’s 14 publicly owned universities have been working without a contract since their most-recent collective bargaining agreement expired June 30.

At negotiations in early November, the State System rejected the one-year compromise APSCUF put forth in mid-October. It countered with a proposal that would cost faculty members thousands of dollars more for healthcare, which APSCUF immediately declined.

APSCUF represents about 5,500 faculty and coaches at the State System universities: Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester Universities of Pennsylvania.



APSCUF to Discuss Possible Job Action this Semester

April 8, 2016

FOR IMMEDIATE RELEASE

For more information, contact:

Kathryn Morton, kmorton@apscuf.org or 717-236-7486

The Association of Pennsylvania State College and University Faculties' negotiation committee today voted to move a strike-authorization vote to the floor of Saturday morning's legislative assembly session. APSCUF delegates, who are meeting now in State College, will consider whether to authorize a strike before the end of the semester.

The action follows negative comments about APSCUF during last month's House and Senate budget-appropriations hearings, as well as a lack of progress during contract negotiations.

APSCUF members have been working under an expired contract for almost a year. The most recent negotiations session was Jan. 8, and the next negotiations session is slated for April 28. Neither the faculty nor the coaches at the State System universities have ever been on strike.

