

Clerical Negotiations Notes

May 26, 2009

Bob Altman (BA): I can start with one little data piece you were asking for. The diabetic supplies brand name is True Results Meters and Strips. The manufacturer is Home Diagnostics. I sent you this morning- you haven't seen it I'm sure- a link to their website.

Kurt Errickson (KE): Thanks Bob.

BA: Did you have a place you wanted to start at, Kurt?

KE: I think we were hoping for a counterproposal.

BA: I can certainly give it to you. I also have a document with some writing on it about the health care proposal.

KE: That would be great.

BA: It doesn't have the contract language but it does have some particulars.

KE: Can we take a minute to go over the language?

BA: Yeah, why don't we do that? We can go over it together. A couple of introductory things: one of the reasons we didn't have a document on Monday was because the U was still looking at items discussed at the BAC (Benefits Advisory Committee) and to take into account some of the strong concerns presented there. Those of you on the inside can recognize that there were some things coolly received at the BAC. The U really has a strong need to save some costs but did do what we could to try to make the changes in such a way as to try to minimize the cost to people. Much of the changes the U is putting forward are items that a person who's got some financial concerns can avoid most of them [the cost increases]. Some they can't, like the office visit increase, but the diabetic supplies choice was a way to make it not cost more. That was a very deliberate choice by the administration to make the changes. With that in mind, let's take a look. Some of these changes are not in the contract; some of this is stuff that the contract doesn't address at all and I'm not sure we want to add this. Moving specialty drugs, in that case there isn't anything in the contract about that and we don't anticipate we'd see anything in the contract language. But since it came up at the BAC we thought we'd let you know. Low-dose Lipitor, is moving to the non-formulary. From what I understand, there is no generic of Lipitor, and at the higher levels we haven't changed [the cost] because of therapeutic issues, but the low-dose doesn't show that. If I'm not explaining this well, please let me know and I can take your concerns to someone who can answer more articulately. [See handout]. There's one other item- the item that sherry mentioned last week.

KE: So I'm looking at the contract... [See contract language] "and been placed of layoff list", that's not in there right now...

BA: It's the way we've always been doing it, I think.

KE: I wonder if there's a person who would not take the layoff list...

BA: There might be a few people who fall through the cracks, but I'm not sure. People who didn't take the severance had to be on the layoff list to qualify... I'm sure it must have been raised at some point but it's [the new language] the way we've always been doing this. This isn't a substantive change from the way we've been doing it.

KE: The past practice you're arguing is that if I don't ask to be on the layoff list then I don't get the benefit.

BA: Yeah that's the way we've been doing it the whole time. You need to be on the layoff list to get the benefits.

KE: Ok, we'll have a question or two and we'll come back with them after we caucus. So why don't we hold off on further sections until after we caucus. After the last meeting the clear message is that there is no change to the employer paid contributions and no plan design changes in the next to years?

BA: Yes.

KE: It might be helpful to put that in writing for us; I know you don't have to address the status quo?

BA: There aren't changes; we're maintaining provisions in section... the problem I have with this is if someone looks at it... well we continue a lot of language...

KE: I'm looking down the road to the TA (tentative agreement), I just like to have a document; this is a hot button issue. Then people are going to see- I like to have the employer do a summary, so they [employees] know this is coming from the boss and it's clear what your intentions are. And I'm not necessarily saying that I'm going to agree to this proposal, I'm just saying that it's good for the relationship with our members to have it spelled out.

BA: Our proposal is no changes to the 90% and 85% [employer paid contribution]... I'm not sure where you need... I don't think that's where we'll have a snag.

BA: Should we talk about... We'll give you our response to the union's proposals and you can ask questions as you see...?

KE: sounds good.

BA: I see you've divided your proposal into 5 groups. I think I'll sound like a broken record; the U put forward the shortest proposal I think we ever have before because we want to get this finished before the other one [contract] runs out. We've got a lot of financial uncertainty and it's in everyone's best interest to get this settled... The government has left a lot of uncertainty from unallotments and it would just be in everyone's best interest. I think it's in AFSCME's best interest too, for a short proposal and to get to the settlement fast. That's the easy part, but how the hell we get there is the hard part. It's really important to the U...; there are certain things kicking in at the expiration, we really want to get this contract settled prior to expiration [of our current

contract]. Something- in general the U is going to be operating with fewer people in the future. We're doing this in a way to minimize who have to be involuntary displaced, all the euphemisms for layoffs. I went into it in some detail last time, the things we did- RIO, etc -to get anyone who wanted to get out of here. We're still hopeful we can get this as painlessly as possible. If we can't give anyone pay raises we can't put it anywhere else that is nice. If we have money we should be putting it on wages. When you said job security, in line with keeping people at the U... For [the union's] proposal 1: the U is so diverse, the jobs within classes so diverse, especially since we brought so many jobs into the same class, it's difficult to say that someone is qualified. So we're unable to say yes to that; the answer is no. A similar rational to that, just because someone is a lower- paid less- we can't assume they're qualified. We're going to be operating leaner, the U can't make that assumption. For proposition 2- external hires, we might have people on the layoff list that aren't qualified... I think it's in everyone's best interest to have the flexibility to go outside. So that isn't something we can agree to. Filling vacancies within the U- after a 5-day priority hire, the U does not agree to this language but we are doing some of this stuff as part of our normal practice. I can touch on it a bit- the job center gets all the candidates, reviews and passes on the ones that meet the minimal qualifications- doesn't mean they're qualified to do it but they met threshold to get names passed on. The job center also identifies all internal candidates, so if we passed on 6 candidates, there would be a star or something that marked the 3 that were internal. We also send info to the hiring authority to instruct them to consider internal applicants first, so there is definitely an identification and emphasis placed on hiring internal candidates first. To touch on current- it's consistent to be using internal candidates when we have a hiring pause. In order to post a job, the unit had to make a determination about the position being essential. If there was a way to get the work done without posting the job then the job wouldn't get posted. Likewise, an internal candidate would be vacating a job and their unit could go through same analysis about filling the job. The more times we do that the less we have to lay people off. We can encourage attrition that way, in a way that doesn't involuntarily put someone on the street. There's strong reasoning to encourage departments to hire internals.

BA: To move on to the Regents' [proposal], once again I'm going to sound like a broken record, pieces have been proposed- the U takes the position that we will not negotiate any provisions. We have one Regents' Scholarship that applies to all the U employees. You have to be eligible but the eligibility applies to all. We're not in a position where we'll negotiate that. The 2nd proposal is more troubling, that's been pointed out in examples. The supervisor is doing something not appropriate. That's not what policy is intended to do, everyone should take advantage... Someone might have a job Monday through Friday 8am-4:30pm and need to be at their job, but they could take a night class. Judith is interested in more details and would like to know more about it. That covers what the U has to say on the Regents'.

BA: Benefits—I'm not sure if that's the same thing you were asking about contributions. Employees' contributions go up with the increase in cost but the percentages will stay the same. I think Dan said that, too. For the special open enrollment for short-term disability, right now anyone can apply. If you apply within first 60 days [of employment], there's no need for a medical exam and approval. After 60 days you need

to take a physical for proof of insurability, which I think is the reason for raising the union's proposal. Open enrollment on short-term disability, the U doesn't have it and no benefits people I talked to could point to any companies that do that. One problem is that you get adverse selection, someone knowing they have an event coming up and enroll. Adverse selection is problematic. In the past at BAC, the concept of late enrollment was presented, it didn't pass, but if there's interest in revisiting it, it could be brought to the BAC. I even think the last time it was brought by management. For late enrollment- anyone can enroll, but if they miss the first 60 days, a late enrollment penalty would apply- 60 days of no coverage. You're automatically accepted but if you tried to use it for 12 months, you'd only get 120 days, but after 12 months, would get the full 180 days. Late enrollment would be able to enroll without a doctor's approval but if I made a claim within 12 months, I wouldn't get 60 days as late penalty. It's been brought in the past, if there's an interest in it, it could be brought to the BAC again. For the parental leave, it seems to be a belief that P&A get a better benefit on parental leave than AFSCME. What every employee gets is a 2 week paid parental leave, adopting parents, mother and father, a biological mother delivering gets 4 additional weeks of sick leave usage. P&A don't have a sick leave bank so P&A get a 6 week paid parental leave. It's the same pay as AFSCME but it's just called something different because we don't have a sick leave bank.

BA: Wages- I assume my proposal on wages was clear, it's a wage and step freeze. I understand the union's proposal but we aren't changing. The concept of "me too" could come into it- as we negotiate, that "me too" language could come into it.

BA: The final item- the proposal on bullying. No one can disagree with the first sentence, we don't want bullying either; I think that's your proposal. The U has put forward a policy that sets out expectations in our code of conduct. Unfortunately neither the code of conduct or our language prevents 100% of bullying. Our problem is we'd have issues with AFSCME on what the difference of definitions is for bullying. We might consider it to be management. It might cause many grievances. We can't agree to it but are always interested in hearing from the union when supervisors are engaging in behavior that is damaging; but we can't agree to the language.

CAUCUS 10:30am-12pm

KE: So, thanks for your patience, we now have a counter-proposal. Our members read the paper; we know the difficult economic times facing the U and are mindful of arguments to that effect. But we have an obligation to support our members in realizing their values as people- to take care of their families, themselves, to have the financial stability to let them live the happy lives needed to be productive at the U. We recognize that now is a time of sacrifice compared to past negotiations, but we have to safeguard the financial interests of members. We're mindful of the interest in resolving negotiations quicker than in past, without sacrificing members to a contract package without fairness. With wages, we propose 1.75% Across the Board (ATB) in year 1, down from 2.5%; and 2.25% in 2nd year down from 3%.

KE: Next issue- the Regents' scholarship- there's no more painful issue that's come up in the past 2-4 months. It's been difficult and emotional for all sides to wrestle with. Our

members are committed to maintaining the scholarship and take classes at U, to advance their educational careers; it's a valuable effort. So- it's painful to take the following position- we are ready to drop proposal 1 under the Regents' [proposal]- the 1 going back to providing the full amount. Regarding supervisor approval, we think there's a lot going out in the field that central HR and administrative leaders don't know about= and wouldn't support if did you know. Peter would like to share his experience on this issue.

Peter Lunney (AFSCME Negotiating Team Member): I appreciate that you've said that if supervisors do things against policies that the U's position doesn't take. I wanted to share my own personal experience with this. After passing probation here in my first year, I wanted to take classes. I always expressed to people that the reason to work here was to take classes. I was told that it [the Regents' Scholarship request] wouldn't be approved by my supervisor, that she had discussed with the department head and it was not approved. The reasons she cited was a) wanted to know how things went with me and b) she didn't feel the department could afford to pay. With only 6 or 7 months experience here, I already had a better grasp than my supervisor. I followed up with HR and got conflicting interpretations. What was clear- what I was being told by my supervisor, who one would expect to know more- was completely inaccurate; probably not intentionally so. But it's difficult to maintain a certain level of policy equality in a large employer like the U. If I had been less assertive or knowledgeable... I'm moving careers from a public school teacher to clerical employee here... Especially now that we're being asked to use our own money, the policy should be clear. This is why I'd like to hold firm on this point.

KE: We are.

BA: did you get to take them [the classes]?

PL: I let them know I would be holding mediation meetings with the union.

BA: Was it a timing thing?

PL: No, it was a night class.

KE: So we're looking for something structural to enable employees to use the Regents' policy as intended. We are looking closely at the health insurance proposal; we'll be checking in this afternoon with the other units. We have questions about discussion earlier about special late enrollment for short-term disability; could we get more info- maybe the BAC minutes? Some homework by Dan and his staff to help us think creatively.

BA: I'll try to get some info about it in writing. I want be clear that I'm not bringing it forward as a proposal but someone could bring it up to the BAC and see if we get it.

KE: The final issue- parental leave. It's critical for our members to spend time with family; it's critical to keep internal equity. We've heard about the perception that if P&A get sick, they just stay home, and it may or may not charged.

BA: It's supposed to.

KE: Well, I have concerns about the level of accountability they're either held or are able to be held to. But we're ready to move on, we'll drop the proposal but we are still very concerned about the issue. Kelly will speak to issue.

Kelly Alghamdi Zimmerschied: Over past years, we've discussed this as an equity issue. P&A get 6 weeks paid maternity leave, our bargaining unit gets 2 weeks, and then we have to delve into sick and vacation. During the time of pregnancy, if we have doctors' appointments, if we have to take care of other family members... It's an equity issue. After year after year, hearing this, I thought it was time to put that in front of you. A pregnant woman in her first or second year of employment at the u will not get that full time off and she will have to take it unpaid. Your policy basically says to not get pregnant if you're in your first few years here.

KE: Regarding the bullying language, we're not changing our proposal. Now more than ever with the pressure on at the U, tempers fray. We need to be mindful of issues and work to develop new methods to deal with them. In addition, If AFSCME is willing to take less on wages than we have in the past, we need to get layoff language. We believe in the value of keeping the group stable; we're better able to serve the organization, the faculty. We understand the employer is under pressure, but flexibility helps you to be successful in terms of responding to economic challenges in achieving success in education... we think it's collective stability for success, it's strong relationships in the workplace for increased flexibility that the employer thinks they need. This is not a successful strategy. Times are tough, wages are shrinking, and we need to have something in job security. If there 's no growth in career earnings, then at least our members need to feel that their jobs are safe and if they're laid-off, they have the ability to get back in. That's why these are important and why we're not moving on issues about job security at this time.

BA: ok, I appreciate the movement. We'll caucus for a few minutes, if we aren't going to respond this afternoon... I want to do some research first, I can't give you a response without checking my stuff out; it won't be as thorough. If I'm not going to get back to you, want to let you know. We need ten minutes to let you know if I can give a comprehensive response or if we need to wait until the next bargaining session.

KE: That's fine.

CAUCUS 12:20-12:35

BA: We'll give you a brief response and then end it for the day.

KE: Ok.

BA: We're mostly trying to figure out the best way to use our time. We're talking and looking at your propositions; we could give some indication or response and maybe we need to go back and spend time- look at the insurance with membership- we need more time. We're thinking we might want to call it a day after this; let me know. The union dropped 2 proposals; we're always thankful when a party drops proposals, it gets us closer. But in the totality of proposals, we're still far apart. The concept of job security, we might be talking around each other, members of my committee pointed it out. When I

talk about job security I'm talking about maintaining jobs here [at the university], to do what we could to keep jobs here. The union is looking at personal jobs; what we're saying are different paths. The flexibility concerns I raised, they still exist for the U. But once again I wanted to clarify about the 2 different paths, I just wanted to point that out. We appreciate union's expression of looking at insurance changes; we've done what we've could to respect the financial concerns for your unit, and all employees- the financial impact on everyone- we have one health plan. It's tailored with impact to all, we're meeting with members – we appreciate it. We're a long way apart on wages, I'm not sure if I was not clear or emphatic enough? The non-contract folks getting a wage freeze in first year, can't explain it in first year.

KE: Could you clarify that?

BA: Sure. We negotiate wages with the unions. With non-union groups, wages are not negotiable, and it's been determined that non-contract employees will get a wage freeze; there's no raise across the board, certainly it's our proposal and intention for AFSCME employees and other union employees [to have a wage freeze]. The union- I never want to diminish movement in the right direction- the union did reduce wages, but we're still a ways apart. AFSCME's proposals far exceed what we've seen in other wage settlements; we're still far apart. The bullying language, we don't want to disagree with the concern, because I agree the workplace should be free of bullying behavior, but I don't believe the union's proposal gets us there in making the environment free of that behavior. I want to reiterate the concerns about grievances that might appear. We still have long way to go. I believe you in wishing to get this done, we've done hard work. I can't come back with more than what I said here today. I'll continue to express the words I hear to the people I report to to see what I can do to get us to a settlement, but that's where I think the U is right here.

END