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Negotiations End in Deadlock

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Negotiations end in deadlock

Salary disputes and three prohibitive practice complaints led to negotiations for the 1980-81 faculty contracts to carry over into this year, even though they were started early in the spring semester of 1980.

Negotiations were first interrupted following a March 27 meeting when the administration filed a prohibitive practices complaint against PSU-KHEA (Kansas Higher Education Association) with the Public Employees Relations Board in Topeka.

"We don't understand the motivation of the suit nor the intent of the suit," said Dr. Russell Jones, chief negotiator for PSU-KHEA and assistant professor of music, when contacted after the complaint was made public.

PSU-KHEA, instead of submitting only a salary proposal for the first meeting, had submitted an entire package, and requested an administration reaction before negotiations could go on.

Dr. Richard Hay, dean of the school of business and spokesman for the university's meet-and-confer team,

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requested a caucus, stating they would not discuss the issues further until the administration made a response to the proposal.

Hay said the administration suggested they break for dinner, they did, and when they got back to continue the meeting, none of the faculty showed up.

"We walked through at least the first half of the proposal highlighting it for them," said Dr. Robert Backes, coordinator of the faculty negotiating team and assistant professor of physics.

Dr. Jones said the faculty team caucused to determine if the meeting should be rescheduled and the administration walked out after the faculty had left the room.

"They walked out while we were caucusing. We have the right to caucus, we do not have to ask their permission to caucus. When we returned they had left. No agreement had been reached regarding future meeting times," said Dr. Jones.

Also concerning the clause of the contract which limited the negotiations to salary discussion, because of the use of the word "may" in defining the procedure for modification of the discussion, which calls for notification of a modification before January 1, whether the negotiations were limited to salary discussions was questionable.

Negotiations did not begin again until June 10. Faculty salaries were the topic of discussion at that meeting, the prohibitive practices

complaint having been resolved.

However, PSU-KHEA filed a prohibitive practices complaint against the university, citing procedural issues.

Dr. Jones said the complaint centered around the January 1 deadline. "They are using that technicality to avoid bargaining in good faith; that is our position," he said.

Finally, the bargaining groups had to resort to impasse procedure, which is what happens when two parties cannot agree and a third party has to look into the issues and suggest ways of resolving the problems.

The administration submitted a proposal on non-salary items including grievance procedures, hours of work, sick leave, jury duty and retirement benefits.

"We were not able to proceed with bargaining until these procedural issues were in the process of resolution; now that the prohibited practices complaint has been filed, we are able to proceed with salary negotiations," Dr. Jones said.

By June 18, the Collegio was able to report that faculty salaries remained the only table issues between PSU-KHEA and the administration. Although Judith Shaw, KHEA president and assistant professor of history, said that two very long sessions had been held, the Uniserv Director of the Kansas National Education Association Robert

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said that a provision in the then-present contract stated any intent to negotiate issues other than salary should have been submitted before January 1, 1980.

According to Hay, KHEA submitted the proposal two hours before the meeting and during the meeting

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Medford reported, "I don't think anything substantive occurred at the meeting around salaries, nothing that has been referred to me by our people."

However, the prohibitive practice complaint was still an issue that kept bargaining groups at logger-heads.

On June 27, PSU President Appleberry asked that elections be conducted within each administrative unit on establishing a committee to revise PSU's statements on personnel reduction. PSU-KHEA asked that

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faculty members not vote, thus allowing faculty to express an informal opinion on whether they agree with the university administration or PSU-KHEA on this issue.

On June 27, KHEA filed a second prohibitive practice complaint on the issue of voting.

On the twenty-fifth, John Lloyd, executive director of the Kansas National Education Association was in Pittsburg to meet with PSU-KHEA members and assure them of state and national backing on the problems they face. Lloyd said, "They are using what seem to be very unsophisticated bargaining tactics. I consider it a plain and simple case of union busting."

He further said that higher education is the top priority of KHEA. PSU-KHEA believed that retrenchment should be a part of general contract negotiations instead of having a special advisory committee formed, as would be the case under Dr. Appleberry's proposal.

At last, the campus newspaper reported that faculty members would be returning for the fall semester without knowing what changes would be made in salaries.

The prohibitive practice complaints were answered by the Kansas Board of Regents, who denied all charges. No progress was made in July.

The major issue in contract negotiations was the differences between the university and KHEA on the determination of faculty salaries. The university wanted salaries to be determined on recognition of performance quality, while KHEA wanted the formation of a salary schedule which would eliminate subjectivity in the salary process and incorporate checks and balances.

Hay said the university feels that such a schedule would destine the school to mediocrity. If put into policy, PSU would be the first of the Regents schools to use such a process.

Hay said, "We have concluded that while the parties' position appear to be irreconcilable, the intercession of a third party may have the potential of bringing agreement before the opening of school." Jerry Powell of the Public Employee Relations Board was asked to informally intercede in the debates.

The contract expired at the end of August, and with KHEA not available for bargaining until September, Hay felt that a third party was the only alternative. In spite of both sides wishing to resolve the salary issue before the beginning of the 1980-81 academic year, the talks dragged on well into the fall semester.

By October, the Board of Regents agreed to join KHEA in calling for a federal mediator to prevent further impasse.

Proposals and counterproposals went back and forth across the table. KHEA asked for 14 per cent raise of below equity salaries. The administration refused, and Bob Cruise, from the Federal Mediation and Conciliation office in Springfield, Mo., stepped in. Even this could not produce an agreement, however, and by November, the two groups were asking that an official impasse be declared.

Some clarification was accomplished during meetings with Cruise, however. Concessions were made by both sides to reach an agreement on the salary package, and the main hold-up was the question on the university's grievance process.

Medford said, "There was movement

in salary talks. However, the university wanted no grievance actions to be allowed on any faculty decisions. On salary we could not accept this, but we compromised and said that KHEA would grieve if salaries did not meet the agreed upon seven per cent increase."

What eventually happened, according to Dr. Thomas Walther, professor of history and 1979-80 vice-president of PSU-KHEA, was that KHEA did not stop the university from unilaterally giving out salaries. It was not until February, however, that the agreed-upon increase was added into faculty checks, he said.

"We actually never came to an agreement last year at all," Dr. Walther said. "For some of the hearings on last year's non-negotiations, I guess you could call it, the testimony has just stopped." This was in May, right before the end

"They are using what seem to be very unsophisticated bargaining tactics"

of the 1980-81 academic year. He added that according to the administration there was no agreement, but that as far as KHEA was concerned, the agreement for 1979 was still in effect.

"We are just now beginning the same thing for this year," Dr. Walther concluded.

The PSU chapter of KHEA has gone through a name change in the process, also. Dr. Walther said that instead of being under the Uniserv district of KHEA, they have moved into the Kansas National Education Association (KNEA), the same Uniserv district as teachers in the Pittsburg public schools of USD 250.

—by Olive Sullivan