

**Newsletter: October 20, 2010**

## **Oakland Administration to Appeal MERC Unfair Labor Practice Ruling**

By now each of you have received OU President Gary Russi's letter explaining how both an administrative law judge and a three-judge panel of the Michigan Employment Relations Commission (MERC) failed to consider all the reasons he felt compelled to unilaterally repudiate a previously signed agreement with the AAUP. The appeal to the Michigan Court of Appeals will be expensive, on both sides. It can only be assumed that the administration has justified to the Board of Trustees the spending of yet more tuition and appropriation money to justify President Russi's unlawful action.

To further clarify the issues as MERC sees them, compare the statement President Russi signed in 1999 that reads, in part:

*Oakland agrees, in future matters (until if and when the applicable provisions are amended by the parties), if the Association alleges a violation of Article XXVIII of the collective bargaining agreement, and the parties cannot resolve the matter to their mutual satisfaction, and the Association files a grievance based upon an assertion that this article was violated because Oakland did not comply with a provision of the Constitution of the College of Arts and Sciences, or the Constitution of the Oakland University Senate, or other "constitutional processes" referenced in Article XXXVIII, then Oakland will not assert as a jurisdictional defense that this "is a governance matter, not a contract issue."*

with his statement of October 19, 2010:

*I did this with the understanding that the action would resolve only that [1999] grievance...*

To reiterate, MERC upheld that a 1999 agreement signed by University president Gary Russi, and accepted by the AAUP chapter, could not be dismissed by claiming that the president did not have the authority to sign the document. The MERC supported the Administrative Law Judge's ruling that the Oakland administration's actions in the case constitute an unlawful, unilateral repudiation of a prior agreement "on an issue central to the relationship of the parties" and that such actions are "destructive to the entire fabric of labor relations and the very premise of good-faith bargaining."

Once again, as part of the order Oakland is required to post notice of these findings "to employees in a conspicuous place at each Oakland University worksite, and post prominently on any website maintained by Oakland University for employee access, for a period of thirty (30) consecutive days." It is not clear at the time of this writing if the administration has been granted a stay of the order to post notice, which we have been told by legal counsel is not automatic upon appeal. If a stay has not been granted, the administration is currently in further violation of the law.

## **AAUP Wins Concession From BC/BS BCN: No Change in HBL Requirements Through 2012**

In the last AAUP newsletter, it was reported that BC/BS was planning to implement significant changes in the requirements, monitoring and invasiveness of their *Healthy Blue Living* program. After meeting with representatives of the AAUP leadership, BC/BS reconsidered their plans and has agreed to honor the original HBL requirements through December 2012. The additional cost of administering OU faculty who opt for this program will be paid by Oakland, consistent with the Faculty Agreement.

It is suggested that faculty who opt for this coverage take a **copy of the letter** from BC/BS to their physician. Faculty should also be warned that, since the Oakland AAUP group will be administered differently from all other HBL groups, the new blood and urine tests may be scheduled, perhaps without notice. The results of these tests cannot be used to determine standard or enhanced benefit levels, and the tests themselves may be refused.

## **Open Enrollment Is Coming Soon**

The open enrollment period for benefits is fast approaching. The AAUP Executive Committee wants every faculty member to be able to make informed, intelligent decisions about their benefit options.

One such choice that you may be tempted to consider is that of Priority Health *Healthy by Choice Incentives* HMO. Please be aware that this is not the Priority Health program that you see getting praise in magazine and newspaper surveys. The Priority Health product offered by Oakland is poor compared to the other premium-free HMO choices to faculty, with very limited coverage areas, a very short list of covered drugs and very large co-pays. It was important to the administration's financial plans to include this program in the list of HMO choices, but that is no reason for faculty to opt for second-rate coverage.

## **Degree-In-Three "Program" Might Really Be Not?**

The CAS is developing a "Degree-In-Three" program that would allow selected students to graduate in three years through a combination of dual enrollment, advanced placement, overload and summer classes. The purpose of the program (beyond encouraging students to complete their requirements in a much shorter period) could be more clear.

Dean Sudol has stated that the Degree-In-Three "program" is not a program at all but merely reflects one way some students have opted to pursue their education at Oakland. On the other hand, Associate Dean Stewart reported to the Senate (after telling the Senate that the Degree-In-Three was thoroughly discussed and voted upon by the CAS Assembly) in October that only highly qualified students will be admitted to the new program. President Russi's **POINT website** lists Degree-In-Three as an initiative, but then states that a decision was made in April 2010 to "offer the program" beginning in the Fall of 2011. Are you confused yet?

The Degree-In-Three program does raise several potential concerns for the AAUP in addition to another potential violation of shared governance procedures. It has been reported that chairs are being pressured to schedule additional classes to accommodate this program, despite its small size. Devoting advertising to promote such a small program is completely within the administration's prerogative. However, this new "program" does concern the AAUP if it begins to divert academic resources from the rest of the university's mission.

We will keep you posted.

## **Fall 2010 General Membership Meeting a Big Success**

The Fall 2010 General Membership Meeting, held October 12, 2010, was very well attended, and featured introductions of the newest members of the Oakland University faculty, a chapter update from President David Garfinkle and a discussion of the upcoming ratification vote to include co-principal investigators as eligible for the title of research professors.

## **Upcoming Events**

- We are still waiting for the Fall 2010 Open Forum with President Russi to be scheduled. Recall that in the Fall of 2009 President Russi promised to have at least one Open Forum with the faculty each semester. Surely the "live internet chat" on Friday, Oct. 22 is not a ploy to avoid this obligation, is it President Russi?

**As always...** please inform us of news items and events that would be of interest to the faculty.

**Get Involved:** The business of the AAUP requires the committed action of all faculty. If you would like to participate in one of our committees, assist with the newsletter or social media pages, please contact us!