

Newsletter: October 4, 2010

MERC Upholds Ruling: Oakland University Administration Guilty of Unfair Labor Practice

The Michigan Employment Relations Commission (MERC) issued an order September 29, 2010 accepting the March 31, 2009 recommendation of Administrative Law Judge Doyle O'Connor. The Oakland administration had appealed the earlier ruling. The administration was found to have violated the Public Employment Relations Act by reneging on a specific written agreement with the Oakland University chapter of the American Association of University Professors (AAUP). The administration's last-minute, and ultimately futile, attempt to force the AAUP to withdraw these charges (which would also have removed the right to shared governance from the Agreement) was the main point of contention of the final two days of the 2009 negotiations.

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 settle a grievance. The MERC supported the Administrative Law Judge's ruling that Oakland'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."

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."

Press Release, sent October 8, 2010

AAUP Leadership Meets With BC/BS Over Changes in Coverage

Members of the AAUP Executive Committee have met with officials from BC/BS over two changes that BC/BS is attempting to make to the negotiated faculty insurance coverage. The first change, affecting faculty members opting coverage under the Blue Cross Standard Plan, would require faculty members who receive therapies that involve injectable medications to receive those injections at their physician's office. BC/BS

was unwilling to rescind these changes, but promised to rewrite in a more clear way the letters notifying faculty of the changes.

The second issue involves major changes to the new BCN Healthy Blue Living Plan and involve how a faculty member qualifies for “enhanced” benefits. The proposed changes remove the physician’s discretion in the area of nicotine use by imposing a blood/urine test, change smoking to nicotine use (this is in itself a major change), change the requirements of weight management by requiring online monitoring of weight loss and/or physical activity, and adds a new category (depression) that would disqualify a faculty member for “enhanced” benefits. The AAUP objected, citing that the changes constitute an illegal, unilateral change in benefits, and furthermore amount to a “bait and switch” sales tactic. BC/BS will review this objection and inform Oakland by October 15, 2010 if they will allow Oakland faculty to operate under the original Healthy Blue Living criteria for the life of the 2009-2012 Faculty Agreement.

Progress Towards Inclusive Gender Identity and Expression Policies

The LGBTQA ERG is very pleased to report that the Director of Inclusion and Intercultural Initiatives, Joi Cunningham, is making great progress on the development of Equal Employment and Non-Discrimination policies inclusive of gender identity and gender expression. (Sexual orientation is already incorporated into University policy.) Ms. Cunningham has taken great pains to ensure that equity and equality are embedded in all aspects of university policies and practices. Draft policies will be presented to academic and administrative committees for review prior to being submitted to the Board of Trustees for approval. We expect this process to progress without undue delay. – *Tim Larrabee*

AAUP President Addresses Oakland Board of Trustees

On September 28, 2010 Oakland-AAUP President David Garfinkle addressed the Oakland Board of Trustees at their open meeting. Dr. Garfinkle presented the Board with an independent financial audit of the university, along with a summary by a respected Oakland professor of accounting, showing that the university has long enjoyed an excellent financial condition, making the recent large tuition increases and salary freezes unnecessary and unjustifiable. Dr. Garfinkle also presented the Board with the results of the recent survey of the faculty, and pointed out that the Board would have a more complete view of OU if they were to appoint faculty liaisons to the Board with roles similar to those of the

student liaisons to the Board. In contrast to their usual silence at faculty presentations, the Board (especially Chairman Baskin) asked several questions and made several comments.

Upcoming Events

- The **Fall 2010 General Membership Meeting** will take place on **October 12, 2010 in the Banquet Rooms of the OC, from noon to 1 pm**. Refreshments will be available starting at 11:30 am. The main order of business will be the introduction of new faculty and an explanation of the upcoming vote on a contract modification concerning the definition of research professors.
- 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.

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!