



Collective bargaining: Decision awaited for one unit or several for 'communities of interest'

By Randy Blauvelt

To some people, collective bargaining means strikes, lopsided contracts and a too-powerful labor force. To others, it's a way of getting better salaries, better working conditions and improved fringe benefits.

Collective bargaining generally is believed to mean negotiations between an employer and employee, in hopes of arriving at a mutually satisfactory agreement over a dispute.

Currently, most collective bargaining is done between representatives of all or part of a labor force, acting as a committee or board, and the management of the business that employs them. The University of Nebraska (NU) and a UNL faculty organization are at odds over the scope of a proposed bargaining unit.

Communities of interest

Should collective bargaining be established to represent the whole NU system, or should different bargaining units represent sections of the university where communities of interest exist?

This question is the crux of the collective bargaining issue awaiting decision by the Nebraska Court of Industrial Relations. It arose after the UNL chapter of the American Association of University Professors (AAUP) petitioned the court requesting a UNL faculty election be held to decide if the faculty should unionize, and if granted, whether AAUP should be the bargaining agent.

The unit proposed by AAUP consists of all full-time UNL faculty members, who have academic rank and are not administrators, excluding those in the Colleges of Law and Dentistry.

"Collegiality" argued

The NU Board of Regents, through attorney Bruce Wright, has argued that faculty members at UNL, the University of Nebraska at Omaha (UNO) and the University of Nebraska Medical Center (UNMC) show enough "collegiality" to be represented by one collective bargaining agent.

On the other hand, AAUP has argued that the UNL faculty is a separate entity and should be represented by their own agent.

According to Wright, fragmented bargaining units in a multi-campus system would have severe drawbacks and probably would create a "dollar contest" between the campuses.

"Should be one"

"If the faculty are going to bargain collectively, they should do it as one university," he said. "Otherwise, isolated pockets of self-interest would develop."

If UNL is allowed to form its own unit, other university campuses or colleges also will want separate units, Wright said. This would cause a lack of uniformity, discrimination

between bargaining units and would cost the state too much money in terms of paperwork, personnel and negotiations, he said.

"It would get to the point where the people of Nebraska would pay more for negotiations than for education," he said.

Wright said the regents would rather see separate university-wide units developed for A-line personnel, B-line personnel and C-line personnel, rather than breaking it down by campuses.

"Most rational"

"This would be the most rational framework," he said.

The bulk of AAUP's testimony at the court hearing was concerned with showing that a community of interest does not exist between campuses, thus favoring the approval of the proposed unit. The unit does not include the law or dentistry colleges because they claim to have different concerns than the rest of the UNL campus.

James McCabe, associate professor of restorative dentistry, said different working hours at the College of Dentistry and having to meet the needs of patients are two major differences.

Size is concern

The College of Law should not be included because, representatives say, they have different calendars and schedules, and operate under a code of ethics not practiced by most departments or colleges.

Steven Sample, executive vice president for academic affairs, said the administration's main concern is with the size of the bargaining unit.

"I feel strongly that if collective bargaining is established, it would be in the best interests of the university to have one university-wide bargaining unit," Sample said.

If collective bargaining is established for UNL, NU would become the first multi-campus university with separate bargaining units, he added.

Guidelines drawn

Although different situations will dictate what is negotiable by collective bargaining, the courts have drawn guidelines for negotiations in an educational institution. They are:

Negotiable:

- Wages
- Working hours
- Fringe benefits
- Sick and sabbatical leave
- Retirement and insurance plans

Non-negotiable: Anything considered to be a "management prerogative." Some examples are:

- Curriculum