

American Association of University Professors

COUNCIL OF CHAPTERS

Winter 2005

Newsletter

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AAUP-UMDNJ Members Vote Overwhelmingly To Ratify Contract T/A

The membership of AAUP-UMDNJ has approved the Contract T/A for a new AAUP-UMDNJ collective bargaining agreement ("Contract"). **More than 99% of those casting eligible ballots approved the new Contract.** We received 417 valid ballots, 414 in favor of the Contract and 3 opposed. We thank all the members who took the time to vote on the ratification of this Contract, and extend a welcome to the faculty members and librarians who took the opportunity of this ratification vote to become full members of AAUP-UMDNJ. This new Contract will be effective from July 1, 2004

through June 30, 2009, and may be found in its entirety at our website, aaupumdnj.org. Details on the implementation of salary increases from this new Contract may be found in this *Newsletter*, at page 4.

We would like to express deepest appreciation to Anthony Boccabella of NJMS, the Chief Negotiator for AAUP-UMDNJ in these contract negotiations,

(continued on page 3)

Receiving Your Raise(s) And Retroactive Pay: More Money In Your Pocket Beginning March 11, 2005

As a result of your ratification of the Contract, Librarians and Faculty (other than School of Nursing Faculty) will receive, retroactive to September 5, 2004, a 2.5% across-the-board increase (not dependent on merit). Librarians and Faculty (other than School of Nursing Faculty) who received a satisfactory evaluation for the 2003-2004 academic year, will receive, retroactive to Decem-

ber 26, 2004, a merit increase between .25% and 5.0%, with an average merit increase of 2.5% (in addition to the across-the-board increase). Similarly, School of Nursing Faculty will receive a

3.0% across-the-board increase retroactive to September 5, 2004, and an average merit increase of 3.0% retroactive to December 26, 2004. In order to

(continued on page 3)

Inside...

- ▼ Post-Employment Restrictions...page 2
- ▼ Float Holidays...page 3
- ▼ Kenneth Miller To Give AAUP Lecture...page 5
- ▼ Unfair Practice Charge Filed...page 5



Signers of the 2004-2009 Contract. They are (seated l. to r.) Anthony Boccabella and John Petillo; (standing l. to r.) Debra Osofsky, Robert Saporito, Denise Mulkern, Maryann Master, Abdel Kanan, and Karen Putterman.

AAUP-UMDNJ Representing Clinicians To Limit Post-Employment Restrictions

“...AAUP-UMDNJ decided to reject Fact-Finder Gerber’s Recommendation, and request further mediation...”

The clinician membership of AAUP needs the ability to practice medicine or dentistry should they leave the employment of UMDNJ. Therefore, the AAUP is representing our clinician members in objecting to the overly-tight post-employment restrictive covenants policy UMDNJ has implemented, and the AAUP is protesting the restrictive covenant agreements which clinical faculty (mostly at RWJMS) have been required to sign after their terms of employment with UMDNJ had already been set.

AAUP had attempted to negotiate with UMDNJ to reach a reasonable policy as to the distance and duration of any post-employment restrictive covenants for clinicians, but agreement could not be reached. Therefore, on September 28, 2004, the AAUP continued its challenge of UMDNJ’s restrictive covenants policy in a Fact-Finding Hearing before a neutral Fact-Finder from the New Jersey Public Employment Relations Commission (“NJ PERC”). On October 27, 2004, the neutral NJ PERC Fact-Finder, Edmund Gerber, made a formal Report and Recommendation as to how this issue should be resolved between AAUP and UMDNJ.

Fact-Finder Gerber’s Recommendation was as follows:

1) “Restrictive Covenants entered into between the University and physicians engaged [in] specialty care can prohibit the physician from establishing or working in an office or otherwise providing care for patients in an established facility in locations up to fifteen (15) miles of the physician’s principal practice location at the time of leaving the University”

2) “Restrictive Covenants shall have a duration of one (1) year following the last date of service with the University”

3) “Restrictive Covenants shall not apply to employees who have been employed by the University for a maximum of one year (*i.e.*, 365 days) or less and are asked to leave the University and/or the University declines to renew their contract.”

While not listed in the Recommendation Section of Fact-Finder Gerber’s Report, the Report as a whole makes clear that he recommends that general practitioners have a 10-mile restrictive covenant.

While Fact-Finder Gerber’s Recommendation was an improvement over the Administration’s unreasonable post-employment restrictive covenants policy (which specifies a 20-mile radius for specialists, has a one year duration and has no exception for employees who are fired or not renewed), after further consultation with clinician members, AAUP-UMDNJ decided to reject Fact-Finder Gerber’s Recommendation, and request further mediation or conciliation of this dispute from the NJ PERC, in an attempt to improve on the Recommendation made by Arbitrator Gerber. On January 12, 2005, NJ PERC assigned Conciliator Joel M. Weisblatt to mediate this dispute, and Conciliation between AAUP and UMDNJ under the auspices of NJ PERC is scheduled for May 9, 2005.

Any member of the bargaining unit who has a question about post-employment restrictions or the enforceability of such restrictions should contact Debra Osofsky, J.D. Ms. Osofsky may be reached at (973) 972-5875, (732) 235-4196 or osofsky@aaupumdnj.org.

Raises...*(continued from page 1)*

be eligible for these increases, you must have been employed by UMDNJ as of February 1, 2004, as these raises are based on service rendered during the academic year prior to their effective date, *i.e.*, the 2003-2004 academic year. If you were employed after February 1, 2004, you will be eligible to receive the across-the-board and merit increases provided in the Contract with an effective date of September 4, 2005, and later. (The Salary Increase Charts for the remaining years of the Contract may be found at page 4 of this *Newsletter*.)

As a result, we have been assured that (barring unforeseen circumstances) **the 2.5% (or 3.0% for SN) across-the-board increase for eligible faculty and librarians will be reflected in your paycheck dated March 11, 2005.** We also expect a lump sum (to cover the amount due to you as a result of the retroactive nature of the across-the-board increase) to be included in your paycheck shortly thereafter, perhaps as soon as March 25, 2005. For those who had satisfactory evaluations for the 2003-2004 academic year, the amount of your merit increase (as well as a lump sum to cover the amount due to you as a result of the merit increase being retroactive) should be reflected in your paycheck shortly thereafter, *i.e.*, as soon as the Administration can calculate and implement individual merit increases.

If you are uncertain as to the amount of your individual merit increase, or if your paycheck does not reflect the increases specified here on the dates specified, please contact your Department Administrative Coordinator or School Faculty Coordinator. Contact information for each School Faculty Coordinator may be found at page 4 of this *Newsletter*. If you cannot resolve the matter at your Department or School level, please contact Amy Reeder or Carlene Larnes at AAUP-UMDNJ. Ms. Reeder may be reached at (732) 235-4196 or reeder@aaupumdnj.org and Ms. Larnes may be reached at (973) 972-5875 or larnes@aaupumdnj.org.

Using Your Float Holidays

As a result of your ratification of the Contract, faculty members are entitled to two more float holidays than existed in the previous Contract, for a total of three float holidays for all faculty members. **These additional float holidays are available immediately**, to be scheduled in conjunction with your Chair and to be used in the 2005 calendar year, (see Article IX, Section B [page 21] of the Contract). The provision of float holidays in the new Contract for Librarians is the same as in the previous Contract (and may be found in Article IX, Section L.1.a. [page 23] of the new Contract).

Members Vote...*(continued from page 1)*

for contributing his knowledge, intelligence, insight and perseverance to achieving this new contract. Dr. Boccabella, Ph.D., J.D., was ably and well supported on the Negotiation Team by our Executive Director, Debra Osofsky, J.D., as well as our outside counsel, Mark Schorr, J.D. We are also indebted to the Negotiation Team Advisers, who were invaluable in providing feedback to the Negotiation Team throughout the negotiating process on how to proceed, as well as, when appropriate, attending negotiating sessions: L. Bielory, M.D. (NJMS), R. Carsia, Ph.D. (SOM), D. Decosimo, M.D. (NJMS), P. Dreker, M.P.A., M.L.S. (University Libraries), H. Evans, M.D. (NJMS), S. Klein, M.D. (RWJMS), B. Lapow, M.L.S., (University Libraries), C. Monteleone, M.D. (RWMS), T. Najjar, D.M.D., M.D.S., Ph.D. (NJDS) M. Roth, Ph.D. (RWJMS) and F. Ward, Ph.D. (SN).

AAUP UMDNJ Newsletter

The *Newsletter* is published by the UMDNJ Council of AAUP Chapters. Please address comments or letters to the editor to AAUP, P.O. Box 101, Piscataway, NJ 08854.

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Salary Increase Charts

As you can see in the charts below, salary increases in the new Contract will vary from 2.0% across-the-board and 2.0% average merit increases to 3.0% across-the-board and 3.0% average merit increases, for faculty (other than School of Nursing Faculty), for a compounded total average increase of approximately 25.98% in a five-year contract (unless a faculty member has reached the maximum of the range, in which case additional increases will be paid as a lump sum). The average increases for School of Nursing Faculty, as well as librarians, are even higher.

NJMS, NJDS, RWJ, SOM and SPH Faculty Salary Adjustments

| | |
|----------|---------------------------------|
| 9/5/04 | 2.5% Across the Board (ATB) |
| 12/26/04 | 2.5% Merit (.25% - 5.0% range) |
| 9/4/05 | 2.0% ATB |
| | 2.0% Merit (.25% - 4.0% range) |
| 9/3/06 | 2.25% ATB |
| | 2.25% Merit (.25% - 4.5% range) |
| 9/2/07 | 2.0% ATB |
| | 2.0% Merit (.25% - 4.0% range) |
| 8/31/08 | 3.0% ATB |
| 12/28/08 | 3.0% Merit (.25% - 6.0% range) |

School of Nursing Faculty Salary Adjustments

| | |
|----------|---------------------------------|
| 9/5/04 | 3.0% Across the Board (ATB) |
| 12/26/04 | 3.0% Merit (.25% - 6.0% range) |
| 9/4/05 | 2.5% ATB |
| | 2.5% Merit (.25% - 5.0% range) |
| 9/3/06 | 2.75% ATB |
| | 2.75% Merit (.25% - 5.5% range) |
| 9/2/07 | 2.5% ATB |
| | 2.5% Merit (.25% - 5.0% range) |
| 8/31/08 | 3.5% ATB |
| 12/28/08 | 3.5% Merit (.25% - 7.0% range) |

Librarian Salary Adjustments

| | |
|----------|--------------------------------|
| 9/5/04 | 2.5% Across the Board (ATB) |
| 12/26/04 | 2.5% Merit (.25% - 5.0% range) |
| 9/4/05 | 2.5% ATB |
| | 2.5% Merit (.25% - 5.0% range) |
| 9/3/06 | 2.5% ATB |
| | 2.5% Merit (.25% - 5.0% range) |
| 9/2/07 | 2.5% ATB |
| | 2.5% Merit (.25% - 5.0% range) |
| 8/31/08 | 3.0% ATB |
| 12/28/08 | 3.0% Merit (.25% - 5.0% range) |

UMDNJ Faculty Coordinators

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Kenneth R. Miller to Give AAUP Lecture on April 12

The AAUP Heikkila Memorial Lecture will be given by Kenneth R. Miller, Ph.D., Professor of Biology at Brown University and the author of, *Finding Darwin's God: A Scientist's Search for Common Ground between God and Evolution*. Dr. Miller's talk, entitled "Origin of the *Specious* - Why Darwin Still Matters in an Age of Genomics," will be given on Tuesday, April 12, 2005 on both the Newark and Piscataway campuses

The lecture will be held at 12:00 noon in the West Lecture Hall at Robert Wood Johnson Medical School, Piscataway and at 4:30 p.m. in room C600 of the Medical Science Building at New Jersey Medical School, Newark. Both lectures are open to the public and will be followed by a reception.

Please save the date!

AAUP Objecting To UMDNJ Improperly Altering A Condition Of Employment

AAUP filed an Unfair Practice Charge with NJ PERC on February 18, 2005 charging that UMDNJ violated the law by **altering a condition of employment** without first negotiating with AAUP. AAUP is objecting to UMDNJ unilaterally eliminating a portion of a faculty member's compensation (a clinical supplement).

AAUP National Collective Bargaining Congress News

As we have just completed our contract negotiations at AAUP-UMDNJ you may find the copy of the Fall 2004 *CBC News*, enclosed with this Newsletter, to be interesting reading. *CBC News* is the Newsletter of the Collective Bargaining Congress (CBC) of the American Association of University Professors (AAUP) National organization. The CBC is comprised of the members of the AAUP who, like AAUP-UMDNJ, are the collective bargaining representatives of their faculty. There are more than 70 institutions of higher education (including several medical schools) which are members of the AAUP CBC. We can expect that the next *CBC News* will contain a report on our new Contract at AAUP-UMDNJ. You may note with particular interest the reports (on pages 4 and 5 of the *CBC News*) of the recent contracts completed by the Rutgers AAUP for their combined full-time faculty TA/GA unit, as well as their part-time lecturer unit. Rutgers AAUP did very well for their faculty, with a compounded average 18.38% increase over four years for full-time faculty. AAUP-UMDNJ was fortunate to do even better than Rutgers, with a compounded average 25.98% increase over five years, or higher, for all faculty and librarians (unless a person is at the maximum of the range, in which case he or she will receive any overage in a lump sum). We hope you enjoy the *CBC News*, an AAUP National publication.

AAUP RWJMS/SOM Chapter

Women Faculty Lunch

➤ **Speaker:** Terri Goss Kinzy, Ph.D.

Professor, Department of Molecular Genetics, Microbiology, and Immunology, UMDNJ-Robert Wood Johnson Medical School

➤ **Topic:** Leadership Training for Women: Build Your Own Ladder

➤ **Time & Place:** Thursday, March 31, 12:00 noon, Dean's Conference Room, Piscataway

Women at all faculty levels are invited. Lunch will be provided.

Please register by contacting the AAUP office
(5-4196/council@aaupumdnj.org)

Demand and Return Policy

The following is the revised procedure adopted on June 23, 1987 by the Council of AAUP Chapters of the University of Medicine and Dentistry of New Jersey (hereafter "Council") to comply with the requirements of section 2C of Chapter 477, Laws of 1980. Please retain it for your records. It is published annually.

The representation fee amounts to 79 percent of member dues. The amount of representation fee that goes to the Council is equal to the percentage of member dues kept by the Council for Council expenses. The remainder goes to the national AAUP to cover national expenses related to collective bargaining. The Council budget includes only expenses allowable for charge to representation fee payers. This was also the case for last year's budget.

Any person who makes fee payments in lieu of dues who objects to a specific expenditure which the individual believes to be in aid of activities or causes of a partisan political or ideological nature, only incidentally related to the terms and conditions of employment or applied toward the cost of benefits available only to members of the association, shall file written notice of an objection by certified mail to the Representation Fee Review Committee (hereafter "committee") in care of the Executive Director of the AAUP.

Following the filing of such notice, the proportion of the objector's representation fee which is allocated to the expense in question will be placed in an escrow account established by the Council for this purpose pending resolution of the objection.

Objections to expenditures made in any fiscal year must be raised by October 1st of the following year. Individuals not represented by the AAUP at the beginning of the fiscal year may raise such objections within ninety (90) days of the date such representation commences.

An objection may be renewed for each year by written notification as noted above. At least annually, the association shall cause notice of its demand and return system, in-

cluding the dates for notice of objection, to be printed in its *Newsletter*.

The committee shall be composed of three (3) members of the faculty of UMDNJ chosen by the Council. When the Executive Director receives an objection, it shall be promptly submitted to the committee, which shall consider the objection for timeliness of submission and on the merits. An objector may, at the time of filing the objection, request that an oral fact-finding hearing on the objection be held.

If the AAUP contests the objection, it shall respond to the objection in writing within fifteen (15) working days of its transmittal to the committee. A copy of the AAUP's response shall be served on the individual making the objection. The objector then may, within fifteen (15) working days of his or her receipt of the AAUP submission, respond to the information provided by the AAUP. Upon its receipt of the AAUP response, if any, the committee shall determine whether additional information is necessary to complete the record. It may, in its absolute discretion, seek additional information from the objector or the AAUP or hold a fact-finding hearing on the request of either party.

When the committee is satisfied that it has received full submissions from all parties, it shall close the record. The committee shall rule on the objection, in writing, within fifteen (15) working days after the record is closed, and forward its determination to the objector and to the AAUP.

The burden of proof throughout the proceedings shall be on the AAUP. If the objector is dissatisfied with the decision of the committee, he or she may appeal to the State Representation Fee Review Board pursuant to Chapter 477 of the Laws of 1980.

An objector may bypass this procedure and appeal directly to the State Representation Fee Review Board.

AAUP Council of Chapters FY05 Budget

Below is the FY05 Budget for the Council of Chapters of AAUP-UMDNJ approved by the Council in its meeting on November 18, 2004. Please note that, while this Budget projects an overspend of \$16,779 for FY05, we do not, in fact, expect to exceed our budget for FY05. In an abundance of caution, the FY05 Budget was constructed to provide sufficient funds to support Legal Fees associated with a full year of contract negotiations (the bulk of the \$100,000 allocated for Legal Fees), as well as Negotiations Advertising Expenses of \$31,000. Our progress in negotiations allowed the contract negotiations to reach conclusion on February 8, 2005 without the need to use the \$31,000 for Negotiations Advertising Expenses, and, due to this timing for the close of contract negotiations, it is expected that our expenses for Legal Fees will also come in below the allotted \$100,000 for FY05. In short, while the budget below reflects a shortfall, we expect to be in the black for FY05.

REVENUES

| | |
|---------------------|-----------|
| Dues | 330,200 |
| Representation Fees | 287,184 |
| Interest | 8,844 |
| Total Revenues | \$626,228 |

EXPENSES

| | |
|------------------------------------|-----------|
| Payroll | 190,171 |
| Payroll Taxes | 16,516 |
| Fringe Benefits | 87,002 |
| Pension | 15,214 |
| Pension Oversight | 2,000 |
| National AAUP Dues & Rep. Fees | 107,136 |
| State Conference Dues | 2,107 |
| CBC Dues | 3,661 |
| Legal Fees | 100,000 |
| Negotiations Advertising Expenses | 31,000 |
| Arbitration/Mediation | 8,000 |
| Accounting & Audit | 8,000 |
| Outside Services | 7,200 |
| Insurance | 9,600 |
| Office Rent | 2,100 |
| Dues & Publications | 1,100 |
| Travel & Conferences | 3,500 |
| Membership Development Activities | 4,000 |
| Chapter & Membership Mtg. Expenses | 3,000 |
| Awards Dinner | 4,000 |
| Lecture | 6,500 |
| Dues Refunds | 900 |
| Postage & Xerox | 3,200 |
| Printing & Stationery | 1,900 |
| Telephone & Telegraph | 5,000 |
| Office Supplies & Services | 3,400 |
| Office Equipment | 9,000 |
| Repairs & Maintenance | 2,000 |
| Chapter Rebates | 3,000 |
| Miscellaneous | 2,800 |
| Total Expenses | \$634,007 |

EXCESS OF REVENUE OVER EXPENSES (\$16,779)

Please join! We urge you to become a voting member of the AAUP. WE NEED YOUR SUPPORT!

If you are paying \$15.87 per pay period, you are paying a representation fee, not AAUP dues. AAUP dues are \$20.00 per pay period for (only \$4.13 more per pay period for full membership) 26 pay periods per year.

Dues include local, state and national AAUP membership fees. Members can vote in chapter elections and on contract ratification. Members also learn about **AAUP member benefits** through *Academe*, the AAUP's national magazine.

Once you join, the AAUP will send you a gift to express our appreciation to you for becoming a member.

To join the AAUP, just fill out this authorization form and return it to us at the address below.

UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS (AAUP)
PAYROLL DEDUCTION AUTHORIZATION

Please print clearly:

NAME _____

ADDRESS _____

HOME PHONE _____ OFFICE PHONE _____

ACADEMIC RANK _____ DEGREE _____

SCHOOL _____ DEPARTMENT _____

CAMPUS ADDRESS _____

PERCENTAGE OF FULL TIME EMPLOYED BY UMDNJ _____ SEX: M F

SOCIAL SECURITY NUMBER _____ DATE HIRED _____

EMAIL ADDRESS _____ BIRTH DATE _____

UMDNJ IDENTIFICATION NUMBER _____

(All of the above information will remain in the strictest confidence unless we are otherwise instructed by you.)

I hereby authorize my AAUP Chapter to have deducted from my earnings twenty dollars (\$20.00) dues per pay period, which includes national, state and local AAUP membership dues.

This authorization shall remain in effect unless terminated by me upon written notice of withdrawal or by termination of my employment. The filing of notice of withdrawal shall be effective to halt deductions as of the July 1st or January 1st next succeeding the date on which the notice of withdrawal was filed.

While contributions or gifts to the UMDNJ Council of AAUP Chapters are not tax deductible as charitable contributions for Federal income tax purposes, they may be tax deductible under other provisions of the Internal Revenue Code.

SIGNED _____ DATE _____

PLEASE RETURN TO:

AAUP
American Association of University Professors
Council of Chapters, UMDNJ
30 Bergen Street
ADMC 1426
Newark, New Jersey 07103

Please Select a Gift:

_____ **Coffee Mug**

_____ **AAUP Tote Bag**