Let’s Talk “Compromise”:
Governor Kasich’s Second
Thoughts on Senate Bill 5

Marty Kich

About two weeks ahead of the August 30 deadline for removing issues from the November ballot, Governor John Kasich asked the leaders of the unions spearheading We Are Ohio to meet with him to discuss a “compromise” on Senate Bill 5 that would eliminate the need for the referendum on it. It was a preposterous proposition, and We Are Ohio rightly countered that the legislature could just as easily repeal Senate Bill 5 and then re-open discussion on some adjustments to the current laws on collective-bargaining for public employees.

Why Gov. Kasich’s Proposal Was Preposterous
Kasich’s proposal was preposterous for three basic reasons. First, as the federal debate over raising the debt ceiling and reducing the deficit has demonstrated, “compromise” is a very ambiguous concept and elusive goal. When one side’s idea of compromise is simply that they are willing to accept something less than all of what they want but nothing that the other side wants, it is very difficult to find a meaningful middle ground. And Governor Kasich’s previous statements about public employee unions, combined with this very late interest in compromise, warrants considerable skepticism, at the very least. Second, having built momentum toward the November referendum, We Are Ohio would be politically foolish to allow the ongoing spectacle of potentially pointless negotiations to dilute that momentum. And, third, if you have bothered to read Senate Bill 5, you have already recognized that it must rank as one of the most poorly crafted and poorly organized pieces of legislative writing ever passed in this state or elsewhere. No one who is proposing serious structural reforms to how the state operates would have introduced such a poorly composed bill. To work backwards from this legislation to some sort of substantive compromise would be nearly impossible under any circumstances, but especially under the current time constraints. You can’t take rocks out of a pile and then reconstruct the pile by trying to insert differently sized and shaped rocks into what were momentarily empty spaces.

(Continued on page 2)
The Futility of Providing Input
One of the most outrageous things asserted by Governor Kasich since he took the oath of office was uttered in conjunction with his call for “compromise.” He complained that his administration had been open to input from the “other side” from the very beginning, but throughout the process, the “other side” had adamantly refused even to discuss adjustments to the legislation with him and other leading Republicans. Never mind that at the same time that he was supposedly expressing his willingness to compromise, Governor Kasich himself stated that he was driving the bus and that the public-employee unions could either get on the bus or be run over. Anyone who was actively involved in the effort to influence the drafting of this legislation will attest to what an exercise in futility it was to contact Republicans in the legislature over those months. Several Republicans, most notably Senators Grendell and Seitz did speak out against the most radical elements of the legislation, but all of the rest robotically replied very patronizingly to our e-mails with broad talking points that communicated little beyond the pointlessness of protesting.

Evidence of Extremist Ideology
Perhaps the best evidence of the extremist political ideology driving this legislation is the ways in which it was changed in the legislative process. Almost always, a bill becomes less extreme as it moves through committees to the full legislative house in which it was introduced, then on to the other legislative house, and if necessary, to the joint committee charged with working out differences between the versions passed by both houses. But, in this case, the provisions in the legislation became more extreme at each stage of the process. What came out of the joint committee, was passed by the House and Senate, and then went to Governor Kasich to sign was more extreme than what had come out of the House, which was more extreme than what had come out of the Senate, which was more extreme than what had come out of the Senate committees that had initially reviewed it.

It is worth remembering that the original bill was almost 400 pages long, and no one who tracked its progress will forget that nearly 100 pages of amendments were drafted one evening and distributed the next morning to the full Senate just minutes before the session opened in which it was rammed, unread amendments and all, through two hastily reconfigured committees and then the full Senate--all in less than five hours. Senator Seitz protested that the very least that his Tea Party supporters would want is for the legislators to have actually read the legislation on which they were voting. But if there was a protest from the Tea Party, it was extremely muted.

The Realities of the State Budget
Moreover, the fact that Senate Bill 5 reflects a radical political agenda more than it is a response to a fiscal emergency has become clearer as the dust has settled around the budget process. Here are some questions worth asking about that budget. First and foremost, where is the $8 to $10 billion deficit that Governor Strickland supposedly left as his legacy to our state? When the final budget year of his administration closed on June 30, 2011, the state of Ohio had than a more than $900 million surplus. (This seems to me the most under-reported story of the year, and the media silence on it puts a lie to the myth of a liberal-dominated media, at least in Ohio.) In fact, more than one progressive blogger predicted before the gubernatorial election that former Governor Strickland’s assertions that his administration had adjusted the budget to account for the loss of federal stimulus dollars were credible and that the budget year would close with a surplus. But almost no one in the “mainstream media” gave those predictions any credibility. It is telling, however, that at the end of July, one month into his first budget year, Governor Kasich was suggesting that an even more serious deficit might be looming if the economy slips into a double-dip recession.

The Tea Party has made “common sense” perspectives and solutions its mantra. Here are some more circumstances surrounding the budget that challenge “common sense.” If we are running a deficit of $8 to $10 billion that has required draconian cuts to counties and municipalities and to school districts, as well as substantial cuts to social-service agencies, to libraries, to the arts, and to higher education, why is the current biennial budget, $1.5 billion larger than the previous budget, even after those cuts? Why are we talking about selling prisons at a loss and privatizing the turnpike and the state liquor stores, which are not factors in any deficit calculations? (In fact, the liquor stores actually turn a profit, provide revenue to the state.) Why have Ohio energy companies and utilities received over $800 million in tax reductions? Why are the most affluent Ohioans paying 10% less on their incomes?
The Tea Party folks are fond of making figurative comparisons between the management of governmental and household budgets. So suppose that in response to significant pay cuts, a couple eliminates unnecessary expenses such as restaurant dining, leisure activities, and vacations. Furthermore, the couple delays such things as remodeling projects and the purchase of new appliances and furniture. Having made such serious adjustments to the household budget, would that couple then bust that budget to purchase a vintage automobile or to make a large stock purchase—or to buy a large number of lottery tickets—reasoning that the speculative expenditure was actually a calculated investment? Would the couple tell relatives and friends who owe them money that the debts no longer need to be repaid?

I have not read the state budget anywhere near as thoroughly as I read the original draft of and amendments to Senate Bill 5—and if I had read the budget, I do not have the background to understand it in any meaningful way. But because of what I found when I did read Senate Bill 5, I do suspect that Governor Kasich’s “jobs budget” includes a lot of expenditures that, at the very least, may very arguably reflect his political priorities more than the state’s economic needs. Perhaps this sort of thing is to be expected.

The Demonization of Public Workers
But this governor and his party have characterized public workers—everyone from teachers, policemen, firefighters, corrections officers, social workers, and librarians, to the custodial workers who maintain our public buildings—as self-serving malcontents who are fiscal parasites on the public weal. So it is not reasonable to expect those workers, their families, and the people of this state whose needs they serve to be especially understanding or forgiving in their response.

Senate Bill 5 and the Next Gubernatorial Election
We who are committed to collective bargaining for university faculty are obviously concerned that Senate Bill 5 will completely eliminate our collective bargaining rights. Nonetheless, we are protected by tenure, unless some unmitigated economic crisis forces a dramatic contraction in the access to and availability of higher education.

In contrast, the more draconian cuts to counties and municipalities and to school districts will almost immediately force layoffs, and the gutted unions will be powerless to insure that these layoffs are done fairly. It doesn’t require a great stretch of the imagination to predict that after a year or two of such layoffs, public concerns will grow louder over the dramatic decline in local governmental services and/or increases in local taxes and over much increased K-12 class sizes. And, just before his re-election campaign, Governor Kasich may just come to the rescue, finding the state funds to reverse some of the cuts. The funds may, of course, be accompanied by the quiet suggestion that local government leaders and school administrators avoid hiring applicants disposed to support collective bargaining. On the eve of his re-election campaign, Kasich can then claim to have put the state’s fiscal house in order, at all levels, while purging the state of the scourge of unionized public-sector employees. He will not be able to resist asserting a cause-effect relationship between these two circumstances, even though none exists except in the imaginations of those who preach about reducing “big” government while quietly expanding its reach to serve the needs of corporate interests.

The reach and ramifications of Senate Bill 5 will very likely extend well beyond what is readily apparent now, just months before the ballot referendum.

Volunteer and Vote!
So please support We Are Ohio, if possible by volunteering some of your time or by making a contribution. But, more than anything else, please make sure that you are registered to vote in November—and then please vote and encourage your family and friends to vote “No” on Issue 2.

A Postscript
Because the leadership of We Are Ohio has refused to discuss a compromise on Senate Bill 5, there has been speculation that if the bill is repealed by referendum, “popular” elements may be resurrected in more limited legislation in 2012. These “popular” elements include mandatory minimum contributions to health insurance and the retirement systems. I am not prepared to assert that no public employees in Ohio have received large salary increases while contributing very minimally to their health insurance and retirement. But the legislation of minimum contributions in itself suggests that most public employees contribute far less than the minimums,
when in fact many already contribute a good deal more. And it ignores the fact that small and less affluent counties, municipalities, and school districts have been dealing with inadequate budgets for a decade or longer and that administrators have often negotiated for contributions to health insurance and retirement, in lieu of salary increases, because salary increases would be much more costly. So the public employees who agreed to these needed compromises will now be doubly penalized for their “flexibility”—a favorite term among the supporters of Senate Bill 5. That is, having forgone salary increases, these public employees will now have to bear the benefit costs that they received instead of salary increases.

Good News about the CBA
Jim Vance and Rudy Fichtenbaum

We have reached a tentative agreement on a new Collective Bargaining Agreement (CBA) with the administration. As quickly as we can, we will prepare a copy of this tentative agreement for circulation to all our Regular Chapter Members (bargaining unit faculty who have chosen to join AAUP-WSU) and will also arrange for a ratification vote.

Here are some of the highlights of the tentative agreement.

(1) Salary and benefits
We will get no raise in the first year (current academic year), 1/2 % across the board in the second year, and 1/2 % across the board in the third. We will be charged more for parking and for health insurance, but over the term of the CBA we will get additional raises to match those increased charges. Finally, if our contributions to STRS or alternative retirement systems are increased during the term of the new CBA, then we will get additional raises to match the increases in our retirement contributions, up to a maximum of 2% in “retirement matches”.

(2) Professional Development Funds
Each Bargaining Unit Faculty Member will continue to get $900 per year, though the maximum that one can have accumulated -- the "cap" -- will be reduced from $3,600 to $3,200 effective July 1, 2012.

(3) Re-opener on salaries if WSU revenue drops
If actual revenues in certain core categories (including tuition and state subsidy) received by the university during the current fiscal year are at least 2% less than projected, then the administration can ask to re-open negotiations to temporarily lessen or eliminate the salary increases we are slated to receive to offset increased charges we will bear for health insurance -- in which case we can re-open negotiations on the increased charges themselves. If such negotiations come to an impasse, then the matter will be settled in binding interest arbitration. A like provision will apply for the next year.

(4) Fitness Center Fees and Wellness Program
Fitness Center fees will continue as they now are (e.g., zero for Bargaining Unit Faculty) until the administration implements a Wellness Program. After the Program begins, fees will be zero for Bargaining Unit Faculty Members who participate in the Program and $15 monthly for those who do not; and, a family membership will cost $10 monthly for BUFMs who participate in the Program, and $25 monthly for those who do not. By the way, the administration will negotiate with us about the Program (as it applies to Bargaining Unit Faculty), hopes to begin the Program early in 2012, and expects the Program to pay for itself in lessened health care expenses.

(5) Increased Sick Leave Payout
We will receive no increase in the payout upon retirement for unused sick leave.

Rally at North Central State College

On Wednesday, September 14, Marty Kich and Joe Cavanaugh (Economics, Lake Campus) drove to North Central Community and Technical College in Mansfield to represent our chapter and to support their faculty at a rally protesting the contractual impasse that they have reached with their administration. We lined the hallway outside of the room in which their Board of Trustees meets and then packed the meeting. The faculty have agreed to everything that their administration has asked for in this contract, including salary reductions and increased contributions of benefits costs, but their administration won't agree to the one thing that they are asking for, which is that they go to formal fact-finding if they reach an impasse on the next contract negotiations. Before these negotiations, their president convinced them to go with a sort of improvised mediation arrangement that he keeps insisting is working fine. (No surprise there.)
At last year’s Summer Institute, I participated in the workshop on collective bargaining. This year, being a member of our negotiating team and hearing many financial claims that I couldn’t myself judge or assess, I decided to participate in a workshop that would help me at least begin to acquire those skills: Crash Course in Institutional Financial Analysis.

Going in, I was rather apprehensive because the only thing I know about finance is that I don’t know much about it. But my concerns were alleviated by the leaders of this workshop, Howard Bunsis (Professor of Accounting at Eastern Michigan University, Chair of the CBC, and Treasurer of the national AAUP) and our very own chief negotiator, Rudy Fichtenbaum, who presented everything in the simplest of terms possible, and when even that wasn’t enough (ahem), provided one-on-one instruction.

I was fortunate enough to be working on WSU’s financial statements because, unlike those at many other educational institutions both private and public, our statements don’t have to be searched for, hunted down, or begged for. Rather, one simply has to download them from the State Auditor General’s Office’s website. (Admittedly, that was the easiest part of the workshop.)

Working with these financial statements and with the assistance of the workshop leaders, I learned what to look for when trying to assess an educational institution’s financial situation. Is the institution committing enough resources to its core academic mission? Can it afford to give its employees a salary increase? How much is it actually spending on employee benefits, such as healthcare?

While I certainly didn’t walk away from this workshop with the capacity to produce the sort of financial report without which any negotiation team should never go into negotiations, I believe I’ve learned how to read and understand such a report. Being able to tell fact from mere rhetoric? Priceless.

During the fourth week in July I had the pleasure of attending the AAUP Summer Institute, hosted by Suffolk University in downtown Boston. The Institute is kind a hybrid of an academic workshop and pep rally for those who believe, as I do, that the AAUP is a force for good in American higher education. I enjoyed it very much and I encourage everyone to consider going. Of course, it’s particularly useful to go if you are an officer or negotiator for our Union.

I found at the Institute that all across the country people know about Ohio’s Issue 2 being in the center of the fight to preserve collective bargaining rights. Everyone there strongly supports us on this.

The work of AAUP falls into roughly three categories. In descending order of priority these are (1) defending academic freedom, (2) helping faculty use collective bargaining (CB) and campaigns to establish CB and their agreements, and (3) advocating for faculty particularly in their participation in institutional governance. The many and various workshops at the Summer Institute reflect these values of AAUP.

Historically, the AAUP was established to protect the faculty right to academic freedom, particularly for faculty to retain their jobs if their scholarship is controversial or if their participation in college or university governance is unpopular with their administrations or boards of trustees. At Wright State University our collective bargaining agreement (CBA) helps AAUP to defend due process rights of bargaining unit faculty members (BUFM), our compensation, our access to financial information, and the faculty’s ability to participate in governing the university.

The format of the AAUP Summer Institute is five half day sessions with multiple choices of topics. Also, there were three social events: A welcoming dinner on Thursday, July 21, followed by union-friendly musical entertainment by the “Cognitive Dissidents,” an evening visit on July 22 to the New England Aquarium, and a breakfast and round table discussion on Sunday, July 24.
Weeks before the Institute began I signed up to attend a wide variety of sessions.

I attended the first, introductory session of the “Crash course in Institutional Financial Analysis,” given by Howard Bunsis, Professor of Accounting at Eastern Michigan University, and our own Rudy Fichtenbaum, Professor of Economics. They consult with faculty around the United States on their institution’s financial state. Here some things I learned: University budgets are plans but can be very misleading; it is much better to analyze the year over year values in the university’s balance sheet. So, while an administration may claim to be too poor to afford to hire enough faculty to teach the courses our students need to graduate before the transition to semesters, the balance sheet can tell a different and more reliable tale. Also, it is much easier to find enough useful financial information for public universities than for private universities. Of course, if Ohio goes to “Enterprise” (a. k.a. “Charter”) Universities it will be more difficult to get timely and informative data about their finances.

The next morning I attended the session “The Invasion of the Union Snatchers: ... Defending Collective Bargaining.” Prof. Michael Bailey, of Michigan State University, outlined the incredible list of Michigan state infringements on collective bargaining rights. These were enacted in many separate pieces of legislation, which will make it very hard to reverse them. Next, Profs. Steve Aby and Dave Witt of the University of Akron, along with Ohio Conference of AAUP Executive Director Sara Kilpatrick (né Kaminski) discussed Ohio Senate Bill 5. Relatively speaking, we are lucky in that we can repeal the dozens of horrible provisions of Senate Bill 5 by voting “NO” on Issue 2. Among other things, it is recommended that we build local connections with other unions and other organizations such as the NAACP, have face to face contact with legislators who attended our colleges and universities, organize our faculty using departmental representatives, hold events on campus, and ask questions in public forums on campus, e.g. the University Senate. They recommend our Chapter issue position statements, i.e. not have a cacophony of voices coming out of our AAUP chapter.

In the afternoon I attended the session on “Bridging the Gap between Tenure- and Non-Tenure-Track Faculty,” given by Mayra Besosa of the California State University at San Marcos and David Kociemba of Emerson College. Prof. Besosa is a non-tenure track full-time lecturer and she explained the California Faculty Association establishment of rights for non-tenure track faculty, including conversion to de facto tenure. A 2010 report of the AAUP is available at http://www.aaup.org/AAUP/comm/rep/teachertenure.htm

Prof. Kociemba discussed establishing a union for adjunct faculty. They have due process, a grievance process, and information that gives them expectations about how successful teaching is measured. So, even part time faculty can have some union-afforded protections that support academic freedom.

The next morning I attended “Creating Effective Contract Campaigns,” presented by Steve Aby and Dave Witt of the University of Akron. They gave us a lot of insight into all of the success they’ve had there, including creative ways to poke fun at administrative lunacy. On a more serious note, they made it clear that in negotiations we should never agree to an embargo of information. We need to give facts to the bargaining-unit faculty so that they can be convinced to support actions the chapter needs to take. They also made the point that we need to have many BUFMs involved, doing many small actions. They also talked about the concept of “State of Strike,” which involves BUFMs not doing “business as usual” but does not go so far as to be an illegal work stoppage. For example, we can have informational picketing and threaten to strike without striking.

“Interest-Based Bargaining” was presented by Mike Maurer of the national AAUP Staff and Gerald Turkel of the University of Delaware, where they have used this technique in recent years. This is a non-confrontational method of both parties discovering what each wants and, ideally, reaching agreement. In principle this can lead to more effective negotiations—although there is a risk that AAUP’s participation might mean that we “own” an unpopular result. If interest-based bargaining doesn’t work, it is always possible to return to the traditional concept of negotiating.

FALL CHAPTER MEETING
FRIDAY, NOVEMBER 4, 2011
1:00 PM
Rooms and agenda will be published at a later date.
Restoring the Middle Class by Resurrecting The Appeal of Unions

Marty Kich

This Labor Day provided an occasion for hopeful reflection on the part of union leaders, union members, and labor advocates in many parts of the country, in particular across the so-called Rust Belt. In response to radical right-wing attacks on the collective bargaining rights of public employees and the legal requirement to pay prevailing wages on public construction projects, unions have re-energized their memberships, and the general public’s attitudes toward union-affiliated workers have begun to rebound after a very long decline.

Once the bastion of American manufacturing and American labor, the industrial states of the Northeast and the Midwest have faced a very difficult transition over the past four decades. In their heyday in the 1950s and 1960s, unions were associated with middle-class prosperity—with jobs that paid well, that provided substantial medical benefits and pensions, and that gave a measure of job security to dependable and productive workers. Those benefits of union membership and the numbers of union members have been eroded by a combination of factors: the relentless advancement of technology and automation, the development of multinational corporations, the competition provided by cheap labor in other parts of the world, government policies that have placed a greater emphasis on expanding foreign trade than on preserving American jobs, and the simple fact that America’s great economic advantages in the 1950s and 1960s, decades in which much of the rest of the world was either recovering from the devastation of the Second World War or emerging from European imperialism, were simply not sustainable. So even though American manufacturing output has continued to rise, the percentage of the work force employed in that sector and the portion of the gross national product that it produces have dramatically declined.

As the economy has become much more service- and information-based, and as the role of government at all levels have expanded, unions have appealed to new groups of workers and have gradually adapted to greatly changed economic realities. But, given the dramatic and accelerating concentration of wealth that has been occurring over the last four decades, unions certainly have as much of a role to play as they had in the century between 1850 and 1950. But the question is how labor leaders and labor advocates can convince a majority of American workers that unions can be as much a key to personal affluence as they were during their heyday. What follows are some suggestions on ways in which I believe that unions can serve and appeal to increased numbers of workers. I am not in favor of abandoning all of the old strategies that have served the American labor movement. But I do believe that this moment in labor history presents unprecedented possibilities for a revitalization of that movement if labor leaders and labor advocates are willing to think outside of the proverbial box.

Suggestion 1: Redefining Membership and Benefits of Membership

Union membership should not be defined by membership in a collective bargaining unit. Instead, like the AAUP, unions should include individual members and, where enough workers are individual members, the equivalent of advocacy chapters. Union membership should be open to anyone who does not hold a management position. This inclusiveness will require the establishment of new unions for previously unrepresented categories of workers, but given the degree of centralization already provided by the AFL-CIO, a framework for this process should be easy to define. In essence, unions should shift their focus somewhat from organized groups of workers to individual workers and seek to represent as much of the work force as possible.

The issue then will be why those workers will want to join a union. Many people who now have negative attitudes toward unions are former union members whose wages and benefits could not be protected or whose very jobs could not be preserved by their unions. Often local jobs seemed to be too willingly sacrificed to some broader national aim or principle. Since the old benefits of union membership simply cannot be provided with any surety to many American workers, unions have to reinvent the ways in which they might be associated with upward mobility and economic security.
Suggestion 2: Unions as Providers, as well as Negotiators, of Benefits

Most American corporations have eliminated pensions and have offered employees the alternative of largely self-funded retirement plans. In many instances, employees have been encouraged to buy stock in the corporation, tying the employee’s future to the company’s future, but with no liability to the company and with all of the risk borne by the employee. (I think that the person who first conceived of this shift must have been one of the most cynical bastards ever born in this country.) Likewise, most corporations have shifted or are shifting the cost of health care to their employees. Often the best “benefit” that an employee can get is the opportunity to enroll in a group plan that reduces the cost of the benefit being borne by the employee.

Redirecting this principle to the greater advantage of workers, unions should pool their membership and provide medical coverage and other benefits at a cost much reduced because of the economies of scale. About 12% of American workers currently belong to unions. If all of them purchased benefits for themselves, their spouses, and their dependents through their unions, unions would immediately become the largest provider of medical benefits in the country. And as union membership increased, the downward pressure on costs would increase. Costs to individuals can be scaled somewhat to income so that even low-wage workers can afford the coverage.

The benefits should be portable so that as workers move to better jobs and perhaps different unions, the benefits move with them. Perhaps workers can purchase insurance that insures that their benefits will continue for a defined period even if they lose their jobs. Perhaps workers can invest in union-defined retirement plans with very low administrative costs. But to avoid the corruption that has been associated with some union pension plans in the past, there needs to be a combination of national and local oversight. As much as possible, individual workers should have the opportunity to select benefit options that match their financial means and their needs.

I am not suggesting that unions stop trying to negotiate for medical and retirement benefits. But the trend is clearly away from employers providing those benefits, and unions should recognize the need and the opportunity. In fact, if unions provide these benefits at low cost to their members, then negotiations with employers will increasingly focus only on wages and working conditions. Given the obfuscation that often surrounds the cost of benefits carried by employers, it is not a stretch to assume that there will be an upward pressure on wages—in particular over the next three decades in which the median age of the American population is expected to rise steadily. Certainly, having portable benefits will make workers more mobile, more able to relocate to where the highest wages are being paid. Ironically, employers may wish to begin again to provide benefits because wage increases are almost always more expensive, by percentage, than comparable-sounding increases in benefit costs.

Suggestion 3: Unions as Providers of Education

“Lifelong learning” has gone from being a cliché to a necessity. At the very least, unions should use their collective numbers to negotiate reduced tuition at colleges and universities for their members and their dependents. Those institutions already subsidize the educations of targeted groups of students. As much as possible, unions should also study local and regional labor needs and work with colleges and universities to develop programs that will prepare workers for their next job before their current job becomes less attractive or completely obsolete.

But the best education-related initiative that unions can undertake in order to insure the advancement of their members will be to develop a non-profit alternative to for-profit online institutions such as the University of Phoenix. To keep costs low, unionized faculty can be encouraged to teach one class every third or fourth year for no compensation, though perhaps an arrangement can be made to treat the forfeited compensation a tax-deductible contribution. In addition, retired faculty can be provided with a way to modestly supplement their incomes, from home. And new doctoral graduates who have been unable to find university positions might be given term appointments that will provide another option beyond the currently available and highly competitive post-doctoral appointments. Some retired university administrators and corporate managers might even join our unions in order to return to the virtual classroom as a capstone to their careers.

I am sure some of you are wondering how our universities can be kept from resisting tooth and nail the establishment of such a non-profit, low-cost,
online university that would immediately be available to about one in five Americans. The bricks-and-mortar universities can be contracted to provide any needed labs or niche courses at a somewhat inflated cost. But they can also be encouraged to provide their own degrees to union members and their dependents at the same cost as those offered by the online university.

To recognize the potential appeal of such a benefit, one has only to consider the number of faculty and staff who work at colleges and universities for lower salaries than they might receive in other public-sector or private-sector positions simply because of the tuition-reduction that is part of their benefits.

**Suggestion 4: Unions as a Renewed Political Force**

One of the complaints currently raised against unions is that dues are allocated to political campaigns inevitably against the wishes of some of their members. To preserve the political clout of unions while eliminating this issue, I would suggest that each union member be required to set aside a small percentage of his or her salary in an account for political donations. Just a very few years ago, this sort of arrangement would have created a bookkeeping nightmare. But at a time when donations can be made to disaster relief over a cellphone, certainly coded accounts can be created to receive these designated funds and to allow their disbursement only to other coded accounts set up by any politicians who wish to receive such contributions.

It will be the responsibility of the unions, at the national, state, and local levels to provide their members with detailed summaries and ratings of candidates’ labor records. A positive rating will be the equivalent of an endorsement. The unions will have to trust that their educated members will very seldom vote against their own self-interests. And the politically empowered union members will very likely become more broadly engaged in the political process than they ever have been in the past.

I hope that these suggestions provoke more than a little conversation, that they are copied to colleagues at other institutions or in other unions, and that they inspire suggestions that may be even more practical and advantageous to unions and the workers whose interests they attempt to represent.

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**Stipends for BUFMs Who Manage Programs**

**Barbara Hopkins**

Last year, COLA Dean, Chuck Taylor, put forward a plan to replace the directors of six programs with a new assistant dean. The administration backed down in response to complaints made by private citizens. Nevertheless, most of those who have received extra compensation and course releases for directing programs and other extraordinary service work have lost some of their course releases and summer income.

We sent a letter to the Associate Provost stating “reducing course releases while leaving positions unfilled as a method for meeting the demand for COLA courses represents a violation of the spirit of the workload agreement, which had as its premise keeping workloads constant.” We also pointed out that women do a disproportionate share of this work in COLA. We asked that no changes be made BEFORE the review.

This is the response we received: The university is committed to being fair in compensating faculty appropriately for administrative work they have agreed to take on. Hence, current initiatives include the following:

1. Dean Taylor has in fact begun a review of all course releases and stipends for service in CoLA. This review has been announced in recent chairs’ meetings and reported to all faculty via email distribution of minutes of those meetings.

2. The Board of Trustees has charged the Provost with developing a university-wide policy on stipends and overloads for faculty and staff as part of the budget process. Any such policy will need to include course releases as well.

The university is pursuing such initiatives to make sure there is reasonable consistency and fairness in faculty workload, both before and after the conversion to semesters.
At the same time, the university must cut costs quickly, and cutting administrative costs is preferable to cutting instructional costs. Under these circumstances, it would be irresponsible to wait for a full review before taking any action. Your message reminds us to be reasonable, thoughtful, and equitable as we move forward. Thank you.

I try to discourage my students from writing the conclusion to their research papers before they have done the research, but apparently that lesson was lost.

The lesson to be learned here is that contract enforcement and budget revision is largely a political process. The bargaining power of the union comes from our ability to ask our members not to cooperate with the administration and our ability to embarrass them. Union members in COLA need to follow the process of review of course releases closely, and we all need to pay close attention to the new budget processes and respond collectively if it appears unfair. This issue remains on the agenda of Committee W.

“Enterprise Universities”: Uncertain Means to Ambiguous Goals

Marty Kich

Chancellor Petro has issued his proposal to create “Enterprise Universities” in Ohio. I hesitate to be immediately critical of the concept because it may seem to a casual observer that nothing that the Kasich administration proposes for higher education will satisfy our unionized faculty. On the other hand, to be anything but skeptical about this proposal would seem to be foolish. For the Kasich administration’s proposals to this point have been anything but positive for unionized faculty. So the prudent starting point would seem to be to suspect that the Enterprise University proposal is an extension of or a complement to Senate Bill 5 and then to be willing to be receptive to any real evidence to the contrary.

An additional difficulty in addressing this proposal has been highlighted in editorials in most of the major newspapers in Ohio: despite the much ballyhooed presentation of a “formal proposal,” it is still not at all clear what the proposed state system actually will entail. Despite the length of the proposal, it is long on catch-all generalities and very short on concrete details. The text is accented by oversized photos of active learning, the sort of very attractive but not especially meaningful photos commonly seen in alumni magazines. And the document includes a lengthy appendix that provides a capsule overview of selective aspects of the administrative systems governing higher education in each of the fifty states. None of which tells the reader a great deal about what an “Enterprise University” actually is. Right now, it is not an exaggeration to say that it could very well be whatever one wants it to be. As the axiomatic saying goes, the devil may very well be in the as yet unspecified details of this proposal—details which, to all indications, may be worked out by the same Senate and House committees that produced ever more stringent versions of Senate Bill 5.

In its generative stages, the proposed “Enterprise Universities” were publicized as “Charter Universities,” a term commonly used in Virginia to describe the operational freedom granted to three of the states largest universities. But critics of the Virginia model have pointed to the very rapid increases in in-state tuition at those universities, to the increased marketing to out-of-state and foreign students who are willing to pay even higher tuition rates, and to a marked decrease in the number of slots available to in-state students. All of these results run counter to Governor Kasich’s and Chancellor Petro’s professed interest in increasing accessibility and affordability for Ohio students, while enhancing the economic impact of their remaining in-state following graduation.

The term “Charter Universities” was recently abandoned, ostensibly to avoid confusion with the “Charter Schools” concept. Promoted as an elective and effective alternative to failing public schools, Charter Schools in Ohio have been anything but an unequivocal success. According to the standardized measures by which our schools have been judged over the last decade, about three-quarters of Ohio’s Charter Schools have received Emergency or Near-Emergency rankings. For proprietary Charter Schools, administrative overhead has ranged to as high as 280% of the much-criticized administrative bloat in the public schools. Some for-profit Charter Schools have blatantly marketed themselves to students with disabilities because the subsidy is markedly higher for those students. So one might
easily reach the conclusion that the common denominator between “Charter Schools” and “Charter Universities” is the effort to turn pedagogy into a commodity. Although education has long been viewed as a prerequisite for upward mobility and affluence, it has perhaps never been treated so blatantly as an “industry.”

The long-honored archetype of the dedicated, self-sacrificing teacher who inspires students to over-achieve has been turned on its ear. It has been replaced with a vicious caricature of teachers as under-qualified, under-performing, and self-serving failures who reward their students’ under-performance because the standards by which they themselves are judged demand no more than sustained mediocrity. There is a parallel to this vilification of teachers in the grab-bag of stereotypes now being attached to university faculty. The “Yeshiva language” in Senate Bill 5 asserts that we do not need to be represented in collective-bargaining units because we participate directly in the administration of our institutions. Yet, even though most administrators do not teach at all, our teaching loads seem unconscionably light to our critics, and proposals to increase those loads have been earnestly put forward and seriously considered.

This sort of incoherence is evident even in the generalities by which the “Enterprise University” concept has thus far been defined. Although the state will ostensibly be providing less fiscal support to these universities in exchange for the increasingly popular catchphrase, “increased flexibility,” at least for the foreseeable future they will not be exempted from state-mandated tuition caps. So “affordability” seemingly trumps “flexibility” at a very fundamental level. Likewise, the need for “greater accountability” is stressed repeatedly, and yet one wonders how the elimination of faculty unions and the consequent reduction in the oversight that they provide, the reduced applicability of “sunshine laws,” and the restrictions on public-information requests will do anything but reduce accountability.

Moreover, since Governor’s Kasich’s election last November, the focal elements of this concept have been loosened requirements for on-campus construction. In a list of ten talking points circulated among university administrators in January 2011, six of the points were related to capital projects and capital expenditures—that is, constructing new buildings and outfitting those buildings with everything from floor and window coverings to office furniture and restroom fixtures. Our administrators are supposedly hamstring by the combination of needless bureaucratic regulations and unnecessary labor costs.

Undoubtedly, some and even much of the bureaucracy might be reduced at a considerable cost savings. But given that most administrators are criticized regularly for their habit of consigning just about every initiative to the care of very well-paid “outside consultants,” one wonders whether what is envisioned and what will ultimately result from this initiative is less bureaucracy or simply less rigidly defined bureaucracy. Perhaps bureaucracy by choice will replace bureaucracy by decree. Likewise, one suspects that labor costs are almost always dwarfed by planning costs, and yet it is easier to generate public sympathy by complaining about labor costs—even though many of the same firms profiting from the consulting contracts will likely enhance their profits by exploiting non-union labor. Whatever criticisms might be leveled against it, unionized labor is still defined by fixed standards that insure safer construction practices and, thus, safer and more durable finished buildings.

If our administrators are fond of anything more than hiring “outside consultants,” it is accepting “large” gifts from donors and putting up buildings as tangible markers of the progress of their institutions under their leadership. That universities should take on increased long-term, construction-related debt at a time of considerable contractions in revenues seems very counterintuitive—especially since however “generous” the gifts are, they seldom seem to cover more than a modest portion of a construction project. So the “large gift” is metaphorically a sort of baited hook that is as difficult to resist as a consultant’s neatly bound report and graph-intensive powerpoint presentation.

As a result, our universities may indeed become engines of economic growth but in a much more pedestrian manner than we have previously
envisioned. Among the chronically unemployed, construction workers are by far the largest group. Even a brief boom in campus construction will put a lot of them to work—and even more of them to work if their wages are set considerably lower than “prevailing wages.” However temporary this dent in the state unemployment rates may turn out to be, it can certainly be timed for greatest political impact. And if the universities become overburdened by long-term debt, the state will have already reduced its financial liability along with its fiscal support, and concessions can simply be required of their faculty and other employees, who will no longer have the protections—the “luxury”—of collective bargaining available to them.

It is hardly a state secret that the administration at Ohio State was dissatisfied with the constraints on it that resulted from the creation of the University System of Ohio, an initiative that attempted to level the sometimes substantial curricular and administrative differences among the state’s public universities. The special category of “International Enterprise University” seems to have been created specifically to allow Ohio State to flex its singular muscle as the state’s flagship institution. But the results for our other public universities are much more difficult to predict. Much like the “Charter Universities” in Virginia, Miami University has already tried to market itself as a singular institution, and the results have been more discouraging than the “mixed results” typically announced to soften big mistakes. The administrations at some of the smaller universities, most notably at Youngstown State, have begun to express publicly their concerns about the dramatic, detrimental effects that further reductions in state support will have, regardless of the promised increases in “flexibility.” A short spine just doesn’t bend as much or as easily as a longer one.

So one is left to wonder what all of this will mean for institutions in the “middle” such as Wright State. One is left to wonder whether those pushing this initiative are themselves still wondering what it means. In this sort of circumstance, such uncertainty is very seldom a reassuring indicator of how things originated or of where they are headed. Of course, much may depend on whether or not Senate Bill 5 is repealed in the November referendum.

Having been accused of demonizing public employees and collective bargaining, Governor Kasich and Chancellor Petro might be very tempted to turn the charge on those leveling it—arguing that they themselves are being demonized simply for pushing forward radically new ideas to deal with unprecedented challenges. I would answer by stating the obvious: that not all new ideas are good ideas, and that a commitment to a half-formed idea is not necessarily better than a complete absence of ideas.

PLEASE make sure that you, as well as your family members, your friends, and your colleagues, are registered to vote in November. The deadline is in early October. Then PLEASE make sure that you do vote in November.

PLEASE volunteer to help with local phone banks and canvassing efforts in these last weeks leading up to the November referendum. Even a couple of hours on a single day will be a great help. Our office can direct you to locations and provide the phone numbers and e-mails of the organizers.

PLEASE consider making even a small cash contribution to We Are Ohio. You can do so through our office. We are trying to track AAUP contributions from across the state.

PLEASE try to attend at least one rally or other event organized by local unions or We Are Ohio.

Your union leaders have contributed many hours of their time and have individually made substantial financial contributions in support of We Are Ohio. In various ways, we have made our chapter a prominent contributor to OCAAUP’s efforts, and OCAAUP’s contributions to We Are Ohio’s overall effort have been much more substantial than anyone could have anticipated last spring.

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