

Subject: Fact-Finder's Report Posted

In a letter dated November 8, 2018, Wright State University received the following directive from the State Employee Relations Board (SERB) regarding the fact-finder's decision:

"This notice with the attached copy of the report should be posted immediately, where it can be viewed by employees and the public. In accordance with Ohio Administrative Code Rule 4117-9-05(P), the notice of rejection is to be posted for a period of thirty days or until settlement occurs, whichever is earlier."

In compliance with the SERB directive, the university has posted the following documents for employees and the public:

[Notice from State Employment Relations Board \(PDF\)](#)

[Summary of the fact-finder report \(PDF\)](#)

[Report of the fact-finder \(PDF\)](#)

Last week, a mutually agreed-upon neutral fact-finder, David Stanton, issued a fact-finder's report and recommendation on the open and undecided collective bargaining issues submitted by the administration and AAUP-WSU. If the university and AAUP-WSU both accepted the report, it would close out the final open items and become part of a new labor agreement.

The Wright State University Board of Trustees, in an effort to be proactive and show its commitment to embrace compromise to settle prolonged labor negotiations with the AAUP-WSU, unanimously accepted the recommendations.

However, the administration was notified by SERB on November 8, 2018, that AAUP-WSU members rejected the report. That means that the report does not close out the open items in a new labor agreement.

The administration, including the trustees, plans to meet with AAUP-WSU leadership to discuss next steps.

So far the parties have had 25 bargaining sessions, as well as other unofficial meetings, to narrow the open articles to just a few, which were the subject of the fact-finder's report. These last few open items are important because finding resolution on them is critical to the university's short-term and long-term financial sustainability.

The university has made progress navigating financial recovery. The administration's priorities in this bargaining process have centered on financial sustainability for the university.

In the face of an extremely challenging financial dilemma where the university was required to address a \$30 million structural budget deficit caused by years of unbudgeted and poorly controlled spending that exhausted \$130 million in reserves, the fact-finder recognized the acute need for the faculty to assist in the financial recovery of the institution. Further, he recommended the university find budget remediation measures in the faculty contract to couple with the substantial steps that the university had already implemented with the rest of the campus community. The university would never ask its faculty to be treated any less than anyone else on campus.

Repeatedly stating in his recommendation that immediate measures had to be taken, the fact-finder afforded the university relief in seven open articles for the length of the contract. The fact-finder also made a recommendation in favor of the union on two open articles. He tempered the relief he awarded the university by including suggestions that many of the changes would not be permanent because they would remain subject to and require renegotiation at the end of the contract.

The following are some mischaracterizations of the fact-finder's recommendations that can be cleared up.

The administration has never made (and does not intend to make) any proposal on tenure, let alone one that eliminates tenure. In clarification of the retrenchment (or layoff) language, provisions on faculty layoffs have been in the contract for 20 years. The fact-finder himself recommended the use of definitive and objective criteria for determining if layoffs of faculty could occur. This has caused angst among the faculty.

In regard to the health insurance options proposed by the administration and recommended by the independent fact-finder, the administration seeks to have the same plan in effect for the faculty as is currently in effect for the rest of its employees. The university's human resources team has done its due diligence and has determined that adopting a campus-wide uniform plan would not provide faculty members the worst medical plan in Ohio, as some have said. The university's health plans are competitive with other Ohio public institutions and are, in fact, comparable to employee health plans at institutions in the Dayton region such as the University of Dayton, Central State University, and Sinclair Community College. The university's proposed health insurance language in the contract would bring the bargaining unit faculty members into a unified plan with all other Wright State employees. Again, this provision would not be permanent because it would remain subject to and require renegotiation at the end of the contract.

In 2016, Wright State's enrollment was 17,775 students and the average class size was 23.3. Current enrollment is 15,558 students and the average class size is 20.9. This demonstrated decrease in the average class size highlights that even if class size returned to 2016 levels this would not impact the quality of instruction as there was no highlighted downturn at those higher levels.

The administration also looked for non-permanent ways to address short-term financial instability. One of those measures is the common concept of furloughs. If ever

implemented, the administration's proposal for furloughs does not require faculty to work while on leave and is consistent with university policy for all other employees. The fact-finder recommended no more than two furlough days per semester for faculty members for the remainder of the contract. This provision would not be permanent because it would remain subject to and require renegotiation at the end of the contract.

Wright State has excellent faculty members. The university wants to reach an agreement that honors their dedication and is financially sustainable for the university's long-term future.