

The New Michigan “Right to Work” Laws: What Do They Mean for WMU?

Many colleagues have questions about how Michigan’s new so-called “right to work” (RTW) laws will affect our working lives at WMU. There are still many unknowns regarding the new laws, the full impacts of which have yet to be realized on the campuses of Michigan’s public universities. Several pending legal challenges may also affect what ultimately happens at WMU. But there are some things we know now:

- **The new Michigan RTW laws will not affect members of our bargaining unit for the duration of our current three-year contract, which expires on September 6, 2014.** The new laws went into effect in March 2013, but they do not supersede labor contracts already in effect prior to that date, including the WMU-AAUP Agreement. Our 2011-14 Agreement remains in effect in its entirety until September 6, 2014.
- The WMU-AAUP has long operated as an *agency shop*, which means that all board-appointed faculty members at WMU have been required to join the Chapter and pay union dues or service fees or apply for conscientious objector status. When the Agreement expires in September 2014, the agency shop provision will also expire, and pursuant to the new RTW laws, no such provision can be included in the 2014-17 Agreement. For the duration of the 2011-14 Agreement term, however, the Chapter’s agency-shop status, as articulated in Article 9, still stands, along with the rest of the Agreement.
- In September 2014, with the expiration with our current contract, **the WMU-AAUP will remain the exclusive bargaining unit at Western Michigan University for the board-appointed faculty.** The administration will still be required to negotiate faculty salaries, benefits, and working conditions with the WMU-AAUP. The administration will still not be permitted to negotiate terms that have been covered under the WMU-AAUP Agreement with individual faculty members, regardless of a faculty member’s dues-payment status.
- **RTW does not outlaw unions in Michigan, and the board-appointed faculty at WMU will still have one.**
- WMU faculty enjoy an impressive package of rights and benefits today, thanks to the hard work, persistence, and courage of our colleagues over the past nearly four decades. Union dues make this work possible by funding legal counsel, professional staff, office space, release time for faculty to do union work, and other resources.
- Without funding, the WMU-AAUP would not be able to function as effectively. Without the support of dues, we would essentially be giving up our union, which would make it very difficult, if not impossible, to leverage faculty strength. On the line are our rights as autonomous professionals, entitled to meaningful faculty participation in developing the university’s priorities, and many benefits that have been hard won over the past four decades.

**For nearly 40 years, WMU has had a strong faculty union.
Here's some of what we have to show for our union dues.**

If you're thinking that not paying dues would leave you with a little more money in your paycheck but that everything else would stay the same, consider this: The advocacy that the faculty has been able to count on from the WMU-AAUP for the past 38 years is paid for with our dues. Without that financial support, we would have to give up services to which we have all become accustomed and would be putting key rights and benefits at serious risk. And it has been an excellent investment, as you can see from the list below of a few of the many valuable benefits we've won through negotiation:

- Outstanding health insurance and health-services package (Article 33):
 - Affordable coverage for you, your spouse or domestic partner, and your dependents.
 - Retiree and spouse/partner/dependent coverage and survivor coverage.
 - Pregnancy and childbirth: NO CHARGE for in-network pre- and postnatal care, and NO CHARGE for delivery or any other in-patient services after deductible.
 - NO-COST services at Sindecuse Health Center, including allergy shots, urgent care, flu shots, physical therapy, sports medicine, most immunizations, and more, all 100% covered with no copay and no deductible.
 - NO-COST services at the Unified Clinics, including comprehensive women's health care, audiology, speech therapy, occupational therapy, eye exams, low-vision care, and many more services, all 100% covered with no copay and no deductible.
- Designated Eligible Individual (domestic partner) benefits. (Article 36)
- Employer-paid retirement contributions. (Article 32)
- Annual salary increases. (Article 32)
- Substantial salary increases upon promotion. (Article 32)
- Excellent compensation for summer teaching and preference for summer classes. (Article 41)
- Due process rights, including clearly outlined contractual procedures for faculty grievances and progressive review for disciplinary cases. (Articles 12 and 22)
- Clearly articulated tenure and promotion review procedures. (Articles 17 and 18)
- Many more benefits and perks, from free parking and health-club memberships to tuition discounts and remission for faculty members and their families. (Articles 33 and 36)

These benefits were not simply *offered* or *given* to the faculty. The WMU-AAUP *fought* for them. Faculty collective action *won* them. And we are going to have to fight to preserve and expand them.

It would be great if once we won a benefit, we could consider it permanent from that point forward. Unfortunately, that is rarely the case. A benefit won by the faculty one year is often in the administration's crosshairs the next time we're at the table. Our considerable success over the years in holding them off is a direct result of the collective action of the faculty. In other words, our ability to win at the table depends on the visible and vocal support of the faculty.

Defending the contract: Our WMU-AAUP dues at work

In addition to supporting negotiations, our dues also go to enforce the contract and defend the faculty from capricious administrative decisions.

There is good reason to believe that the administration will try to take advantage of the uncertainty caused by the new RTW laws in the 2014 negotiations. If they think that the faculty will abandon its union or that the negotiation team has anything less than overwhelming faculty support, they will do everything they can to try to wrest from the faculty whatever they think they can get. Of course, they'll try this anyway; they always do. But as long as we've had a strong union with full faculty support, they have not gotten away with it.

However, with RTW looming, they may believe that this time they will face a weakened faculty at the table. **We have to show them how wrong they are.**

They also know what it costs us to defend the contract, a critically important service our dues payments support. Imagine what the administration could get away with if the WMU-AAUP no longer had the resources to challenge contract violations. Yes, it can be expensive for us to challenge their more serious violations. **But we keep winning these challenges because the contract – and the law – is on our side.**

These legal challenges are also costly for them, of course. For one thing, their lawyers are way more expensive than ours. But unlike the WMU-AAUP, they have university funds at their disposal. The administration's costs for their (unsuccessful) defense of their own counter-contractual actions in a *single recent case*, including their legal fees as well as administrative and staff hours diverted away from university business, ran well into the hundreds of thousands of dollars, a truly irresponsible and entirely avoidable squandering of university resources. (See Summer 2013: Issue 2 of the *Bulletin* for more about this case.)

That case was extraordinary in many ways, especially with respect to the egregious contract violations on the part of the administration and the wrongful termination of a faculty colleague. It was also extraordinary in terms of what it cost the WMU-AAUP to defend the contract and the faculty member's right to due process. It was worth it to help our colleague in his ultimately successful fight against the disgraceful and unjust treatment he endured and to win his reinstatement to the faculty. But if faculty members choose in large numbers to stop paying dues, it would only take a few more cases like that – and there will be more such cases, sadly – before we would no longer be able to challenge even the most egregious violations of faculty rights.

Whether we're talking about wrongful terminations or the everyday problems that our colleagues bring to us regularly (such as administrative disregard of faculty rights to summer teaching preference or inappropriate disciplinary actions), or even program reviews and reorganizations with the potential to radically change the character of the university, **without the support of a robust dues-paying membership, the WMU-AAUP simply will not have the resources to protect the faculty, negotiate future Agreements effectively, or insist on meaningful faculty participation in university governance. And the administration knows it.**

We have come too far and our predecessors have risked and sacrificed too much for us to allow what they have achieved be undone. It is in our own best interests to honor their legacy. Without a strong and powerful faculty union it would be difficult if not impossible for the faculty to protect itself from administrative caprices or to retain our professional autonomy.

What can we do to succeed in 2014 negotiations and beyond?

Fact: We will need a dynamic contract campaign going into 2014 negotiations.

The faculty must be *visible*, *vocal*, and *united* in order to send the message that we have no intention of assuming a submissive posture in our upcoming negotiations. We're working on a schedule of events for Spring 2014 to engage the faculty, to build strength and solidarity, and to support the negotiation team, starting with a **special Chapter meeting on Friday, February 7**. More information about other spring events is coming soon.

We must stand together for the future of the faculty and for the university to which we have committed our professional lives. We must honor the legacy of the colleagues who came before us and fought for everything we have today. We owe it to those who founded our union, who have led the Chapter over the years, negotiated our contracts, fought for good salaries and healthcare, defended academic freedom, insisted on shared governance and due process, and refused to allow administrative fiat to be the "Western way."

We owe it to them – and to ourselves – not to allow their work to be undone.

What can individual faculty members do to help?

- Talk to colleagues about the issues at WMU and about the importance of a united faculty.
- Come to WMU-AAUP events and meetings and encourage colleagues to attend.
- Join the contract campaign team or the communication committee.
- Volunteer yourself or recruit a colleague to serve as Association Council representative.
- Subscribe to the WMU-AAUP blog (wmu-aaup.com), join us on Facebook, follow us on Twitter, and watch your email for news, info about campaign events, and calls to action.
- Volunteer your time – a little or a lot. Have you got expertise in finance, writing and editing, graphic design, marketing, public and media relations, human resources, or other areas that could be helpful to the negotiation effort? We need your expertise!
- **Show up and speak out.**

**Special Chapter Meeting: 2014 Negotiations
Friday, February 7, at 2:30 p.m.
208 Bernhard Center**

The WMU-AAUP: YOUR union. YOUR rights.

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