

# Uncommon Sense

The Newsletter of the USF Chapter of the United Faculty of Florida  
(UFF is a Florida Education Association affiliate)

Volume 16, Number 3

Fall 2009

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## Mark Klisch is our Grievance Chair



“If problems aren’t addressed, the institution becomes less and less healthy.” And by enforcing a contract that covers issues from discipline to annual evaluations, the Grievance Committee makes sure problems are addressed.

The chair is Mark Klisch, a clinical psychologist in the Counseling Center. He is used to “challenges that students face in personal and work relationships,” and working towards resolutions “so that no one is a loser.” He has a Ph.D. from Catholic University of America and is a licensed psychologist.

Contract enforcement works primarily by filing grievances, i.e., complaints that the contract has been violated. A grievance must be filed within thirty days of the time the grievant knew or should have known of the violation. “A lot of people are reluctant to file a grievance because they think that it’s going to be a big combative event. But it’s just communication and conversation, very non-threatening for both sides.”

see **Mark Klisch** on page 2

## Bob Welker is our Bargaining Chair



“Collective bargaining is not a debate where the side that scores the most points prevails. It’s give-and-take.” When the union makes a proposal, it doesn’t matter how reasonable the proposal is; it matters what bargaining chips we have – and what we are willing to give in return.

Bob Welker is a professor of business law who teaches two mass lecture courses each semester. He has an MBA from USF and a JD from Indiana University and has practiced law in Florida for over four decades. “I always represented little people,” he says. He is the chair of our Bargaining Team and our Chief Negotiator.

Seventeen years ago, he joined the UFF bargaining team that represented the union for the entire state, bargaining with the Board of Regents in Tallahassee. Victories came slowly and incrementally, “baby steps” building on past “baby steps.” Now, each university has its own contract, but our contract still evolves slowly. UFF presents proposals, not once but year after year, and bit by bit, we get what we want.

see **Bob Welker** on page 2

**Mark Klisch**, *continued from page 1*

Any employee can use the grievance process (which is defined by the contract), but only an employee who was a UFF member *at the time of the violation* can be represented by the union.

For example, in summer 2008, both Mark and the union filed grievances against the administration for requiring that twelve-month employees use three days of annual leave for Winter Break. This may sound minor, but the principle was critical: *the administration was imposing a cost-cutting measure without bargaining it*. Today it could be leave, tomorrow it could be...

The process starts with an informal Step One. "Most often, the issues that gave rise to the grievance are resolved at this level," said Mark. "It's all done professionally, without rancor." But "if Step One doesn't bring around a reasonable settlement," next is a more formal Step Two before a new hearing master who "approaches the case with a fresh perspective, speaks to all the parties involved, all in the same room at the same time, explores the evidence, and ultimately provides a finding."

As with the annual leave case, "If the grievance has not been satisfactorily resolved" (as the contract puts it) the union – and not the grievant – may seek arbitration. A certified arbitrator conducts a formal hearing, and arbitrator's opinion sets a precedent for contractual cases in the future.

The collection of evidence, the composition of briefs, and travel expenses on top of fees and honoraria makes the process expensive and time consuming: the annual leave case cost the union about ten thousand dollars and took a year from filing the grievance to the arbitrator's decision. But that time and money won a precedent that protects us all.

An employee can take any job problem – even a problem with a colleague – to the Grievance Committee: Mark can be reached at [mklich@verizon.net](mailto:mklich@verizon.net). In addition, he can always use volunteers to help colleagues with grievances; if you are a UFF member who would like to help your neighbors, come lend a hand.

**Bob Welker**, *continued from page 1*

"There are many stakeholders on each side of collective bargaining," and the Chief Negotiator must balance their needs as much as possible. For example, in bargaining raises, giving everyone the same amount benefits the lower-paid employees more, while giving everyone the same percentage benefits the higher-paid more.

And there is a lot more than just pay in the contract Bob negotiates. The table of contents lists "Academic Freedom and Responsibility", "Inventions and Works", "Nondiscrimination", and "Layoff and Recall" among its 31 articles, and many rights protected by the contract are things we take for granted. For example, Section 9.1 (in "Assignment of Responsibilities") says of work assignments, "...other non-scheduled activities are more appropriately performed in a manner and place determined by the employee." In other words, faculty can work at home; and yes, the union worked to get this language in the contract for a reason.

We have such rights among the terms and conditions of employment because we bargained for them. And we continue to bargain for our rights, patiently but resolutely, year after year.

## Logistics

The USF Chapter of the United Faculty of Florida publishes two newsletters, **Uncommon Sense** (see <http://w3.usf.edu/~uff/US/index.html>) and a UFF Biweekly (or, if you prefer, a fortnightly) every other Thursday, which presents news and items of interest (past articles are archived at <http://uff.ourusf.org>) and announcing the Chapter meeting the next day. All members of the bargaining unit should be getting both newsletters: to get on the mailing lists, contact the UFF/USF Webmaster, Greg McColm, via [uff\\_biweekly-owner@ourusf.org](mailto:uff_biweekly-owner@ourusf.org).

We have two websites, one on-campus at <http://w3.usf.edu/~uff>, and one off-campus at <http://uff.ourusf.org>. Come and visit us!

This spring, the USF Chapter of the UFF will meet on alternate Fridays during the lunch hour. We will be meeting on Aug. 28, Sept. 11 & 25, October 9 & 23, November 6 & 20, and December 4 (places TBA in upcoming Biweeklies). This is where decisions and plans are made, and all union members are invited to come (and bring a friend!). Sandwiches and soda pop are free. Come and join the movement.