

JANUARY 2014 AND JANUARY 2015 LUMP SUM BONUSES UPDATE

by Maury Koffman, APA President

The APA is proud to have led collective staff union negotiations that resulted in lump sum bonus payments, each in excess of \$1,000, for APA bargaining unit members in January 2014 and January 2015.

January 2014 Lump Sum Bonus

As indicated in previous communications, roughly \$300 per full-time bargaining unit member was withheld by the University from members' January 2014 union negotiated lump sum bonus. The issued payment was \$1,042.43 but the full payment as initially mutually agreed was \$1,371. Through the assistance of the Michigan Education Association as our state affiliate, the APA successfully litigated the case and the lower court ruled in favor of the APA.

However, the plaintiff filed an appeal with the Michigan Court of Appeals on October 14, 2014. Unfortunately, the Court of Appeals moves at its own pace and the case hasn't even been scheduled for a hearing on the merits of the appeal.

The APA continues to be actively engaged in the litigation of this case and remains optimistic that the higher court will affirm the lower court's ruling in our favor, compelling full payment of the remaining amount to those APA members who satisfied the January 2014 eligibility requirements.

January 2015 Lump Sum Bonus

In a disappointing action by the University, MSU unilaterally withheld roughly \$100 from each member's January 2015 lump sum bonus payment under the theory that should the plaintiff prevail in his legal appeal regarding the January 2014 lump sum bonus payment, the same impact would apply for the January 2015 payment. It is noteworthy that no claim has been filed with the court regarding the January 2015 payment. The amount issued in our January 2015 paycheck was \$961.81 but the full payment as mutually agreed was \$1,059.

Following the unilateral withholding of \$100 from each member in our January 2015 paycheck the APA filed a grievance and in mid November 2015 the APA presented the arbitration regarding the January 2015 payment. We are still unsure if the arbitrator is going to move forward in issuing a decision because the University raised several concerns including their viewpoint of how the lawsuit regarding the January 2014 payment could impact liability for the

January 2015 payment. If the arbitrator does issue a ruling we will communicate with the entire APA membership accordingly.

Moving Forward

The January 2014 and January 2015 payments were the result of collective bargaining in reflection of the health care savings from 2009 – 2013 (roughly \$2,400 per member). Since those total savings were paid out between the January 2014 and January 2015 bonus payments there is no lump sum bonus scheduled for January 2016.

It is our strong collective voice through the union that gives us the necessary resources to legally pursue full payment of the January 2014 and January 2015 lump sum bonus payments. The APA's position affirms that the University should immediately cease its ongoing unilateral violation of our collective bargaining agreement by issuing payment of the remaining amounts withheld from our mutually agreed lump sum bonuses, plus accrued interest, from the January 2014 and 2015 payments.

EVALUATION UPDATE: PERFORMANCE EXCELLENCE

by Melissa Sortman, MEA Uniserv Director

As it was mentioned in the most recent APA Newsletter, the University is prioritizing performance excellence as part of the MSU Bolder by Design initiative. As the professional staff union, the APA membership supports a renewed focus in staff development. APA members want to excel and continue to enhance their skill set.

It was priority in contract negotiations to improve the opportunity for professional development for our membership. The APA was able to expand the use of the annual \$800 for professional development to include credit-bearing classes and ensure that members can use the up to five hours of educational release to include professional development classes. The professional development monies must be job-related and supervisor approved.

The University's goal is to train all supervisors on how to set goals with employees. The supervisors will then meet with employees to set goals in the first half of 2016. The new evaluation program and forms will be used in the employee reviews after July 1, 2016. The new evaluation forms will include a new set of markers that include: exceeds expectations; meets expectations; developing; does not meet expectations. The new forms can be found on the MSU Human Resources website:

<https://www.hr.msu.edu/performanceexcellence/index.html>

APA will be holding special training sessions in early 2016 to assist members in how to set performance goals, integrate the request for contractually bargained professional development monies and prepare for the performance review.

If you have any questions, please call (517) 999-4004 or email msuapa@msu.edu.

QUESTIONS FROM THE TRENCHES

For this installment of APA Questions From The Trenches, we asked APA President Maury Koffman to highlight the changes in the recently ratified APA 2015 – 2019 contract.

Was anything done with wages?

Yes and no. The APA October annual wage increase is determined through a separate wage and health care agreement previously negotiated and ratified by the APA membership in 2013. The change in this round of negotiation is ensuring the 1% October 2016 base wage increase is applied across-the-board with no merit portion applied in 2016.

Was a paid maternity/paternity leave discussed at the bargaining table?

Yes, repeatedly. The APA membership bargaining survey clearly expressed desire by APA members to enhance benefits that could be connected to maternity/paternity leave. While the University made it clear they have no desire to consider a paid maternity/paternity leave, the APA was able to empower members by lifting the maximum vacation time accrual to a total of 240 hours for all APA members regardless of number of years of service at MSU. Over two years of employment, that means an individual can accrue 50 paid days off (24 vacation and 26 sick).

Were any changes made to sick leave?

Yes. Sick leave accrual was increased to a maximum of 1,400 hours up from our previous max of 1,200.

What was done with dental coverage?

Modifications were made to ensure that the current Aetna DMO dental plan will continue without a member monthly premium share. While enhances were proposed to the Delta Dental plan, no changes were made to the Delta Dental plan.

How did the APA address educational assistance and professional development?

Modifications were made to ensure that release time may be granted for up to 5 hours per week even if the individual is not taking classes at MSU. Additionally, changes were made allowing use of the \$800 annual professional

development money to be used towards credit bearing classes provided the professional development is job related and approved by your supervisor.

What changes were made for all APA members regarding documents in the official HR personnel file?

The changes enhance APA employment rights by requiring counseling memorandums be held exclusively in departmental HR folders and not transferred to the central HR Personnel Folder.

Were any improvements in job protections for off-date employees secured through the recent contract changes?

Yes. Changes were made to enhanced off-date job protections for individual members who sign a contract directly with MSU that on day one of employment defines their final date of employment at MSU unless their contract is renewed. The language change adds job security rights for these members by ensuring that as long as the individual has worked for two (2) years or more at MSU when their contract is not renewed, that for twelve (12) months they will be guaranteed the right and access to interview for positions in which they meet the minimum qualifications and apply.

How long does the new contract last?

The newly ratified contract is in effect now to September 30, 2019.

Who should I call with my additional questions?

APA members should feel free to contact the APA office at 517.353.4898 or via email at msuapa@msu.edu with any questions or concerns.

APA IS HERE FOR YOU

APA represents APA members in all job-related issues. Many times we assist in problem solving through work place issues that may not be contractually related. If you are having an issue with MSU and need assistance, please call the APA office at (517) 999-4004 or email msuapa@msu.edu.

Topics that your union can provide assistance or resources:

Any contractual or employment law issue (a common issue is Family Medical Leave Act (FMLA))

- Procedure for reclassification
- Layoff information
- Evaluations
- Performance Improvement Plan (PIP)
- Overtime/Compensatory Time issues
- Call-in/Standby Pay issues
- How to get a discretionary raise
- Suggestions on how to handle a challenging work interaction
- Health care coverage issues

APA provides monthly trainings through our More You Know series with topics that include:

More You Know Sessions

- Annual Evaluation: Knowing the process and your rights under the APA contract
- Compensation: How Do I Get A Raise
- Educational Opportunities – Tuition Assistance, Course Fee Courtesy and Professional Development
- Expanding Your Family – Adoption and Childbirth Leave
- Family Medical Leave Act
- Financial Planning and Retirement (Hired within 5 years)
- Finding The Right Job – the hiring and (re)classification process.
- Labor Laws: Know Your Rights (also called Member Rights & Union Protections)
- The MEA /NEA Advantage
- MSU Policies and Procedures

- Retiring From MSU (Within 5 Years) – Learn about the contractually guaranteed retirement provisions
- Don't let fear overcome your right to representation

Know Your Rights

If called in for a meeting with your supervisor that you may believe to be an investigation that could lead to discipline you have a right to representation. You must ask for representation.

You may stop the discussion and call your representative (517) 999-4004. Asking for representation does not indicate you have done anything improper.

This right is your Weingarten Right: the right to request assistance from union representatives during investigatory interviews.

You also have a contractual right to representation:

-57 At any hearing, conference or meeting that may result in disciplinary action to an employee in the bargaining unit, the employee may and is encouraged to request the presence of an Association representative. The employing department must, if requested by the employee, allow sufficient time for the employee to arrange to have Association representation.

Article 10, Clause 57 of the APA Contract

YOUR FELLOW APS

Interview by Laura Wise, APA Executive Board

Your Fellow AP in this newsletter is Phillip Lamoureux, a Research Assistant in the Department of Integrative Biology.

How long have you been at MSU and what brought you here?

29 years, I graduated from MSU and stayed.

Have you been a member of APA the whole time?

I have been in the APA the whole time, though I was once reclassified as a CT and fought to remain an APA and won.

Can you tell me a little bit about what you do?

I grow nerves and stretch them, doing neuroscience and biophysics in the Integrative Biology Department. My personal passion is The Student Biodome Project – Imagine a tropical garden of lush plants, splashing waterfalls, and curving paths with around the bend mystery, right next to Shaw Hall! It will be warm and aromatic all winter long under a sparkling Biodome, like a gem in the heart of campus. Designed for weddings, concerts, plays, so people could meet, relax, learn, connect with nature and grow healthier together.

See our website at <http://sgp.msu.edu> and take the Biodome Tour!

http://www.sgp.msu.edu/dome/dome_tour.php**DOMEforPub**

