

APA PREVAILS AND COMPELS FULL PAYOUT OF THE JANUARY 2014 AND 2015 LUMP SUM BONUS PAYMENTS

by Maury Koffman, APA President

The APA is proud to have led the negotiations with MSU that resulted in lump sum bonus payments for every member of the APA in January 2014 and January 2015. However, in a disappointing series of decisions, MSU chose to withhold a portion of both the January 2014 and January 2015 payments. The APA pursued MSU's contract violation through the adjudicatory process and frequently communicated updates with the membership. As a result of the APA's pursuit on behalf of every member, we are proud to have concluded the issue entirely in favor of APA union members. Eligible members who received both the January 2014 and January 2015 payments will have one single payment in your April 2016 paycheck for \$351.89.

January 2014 Lump Sum Bonus Payment

As you may recall, the University unilaterally withheld a portion of every eligible member's January 2014 lump sum bonus payment. An outside plaintiff filed a lawsuit and the lower court ruled exclusively in favor of the APA and MSU to enforce the contract as agreed. However, the plaintiff appealed the lower court's decision and a hearing was held in the Michigan Court of Appeals on February 5, 2016.

In March 2016, the APA received the decision of the Michigan Court of Appeals, ruling in favor of our union, dismissing the plaintiffs claims, and identifying that MSU must pay out all withheld funds to those individuals who satisfied the requirements under the contract.

Specifically, to be eligible for the payment you had to (1) be actively employed on January 1, 2014, and (2) a member of the APA, and (3) MSU health care benefits eligible.

The plaintiff had 42 days to submit an appeal for consideration by the Michigan Supreme Court and that window lapsed on March 31, 2016. Therefore, the APA engaged MSU and has confirmed the remaining 2014 funds will be included in your April 2016 paycheck.

Each full-time member of the APA who received payment in January 2014 will receive a lump sum payment of \$264.21, less any taxes or withholdings, in their April paycheck.

January 2015 Lump Sum Bonus Payment

There was no lawsuit regarding the January 2015 payment. However, MSU chose to unilaterally withhold a portion from every member's lump sum bonus payment in January 2015. Since this issue was not subject to adjudication through the court, the APA filed a grievance and certified the case to binding arbitration.

The arbitration hearing was held in late November 2015 and at the end of January 2016 the APA received a positive ruling from the arbitrator compelling MSU to payout the unilaterally withheld funds from January 2015.

The APA has confirmed that the amount withheld will be included in your April 2016 paycheck.

Each full-time member of the APA who received payment in January 2015 will receive a lump sum payment of \$87.68, less any taxes or withholdings, in their April paycheck.

A Great Benefit and Success

The January 2014 and January 2015 payments were the result of collective bargaining, roughly \$2,400 per member. It is our strong collective voice through the union and support from our state affiliate, the Michigan Education Association, which gave us the necessary resources to legally pursue full payment of the January 2014 and January 2015 lump sum bonus payments.

As an APA member, you will only receive the April 2016 payout if you originally received the partial payment in January 2014 and January 2015. And again, eligible members who received both the January 2014 and January 2015 payments will have one single payment in your April 2016 paycheck for \$351.89.

QUESTIONS FROM THE TRENCHES

For this installment of APA Questions From The Trenches, we asked APA President Maury Koffman to highlight the answers to questions raised by members regarding the conclusion of the lump sum payments dispute with MSU.

What is the gross payment members will receive now that the University has been compelled through the courts to payout the remaining amounts unilaterally withheld in violation of our APA contract?

Members who received partial payout of the lump sum bonus in January 2014 will receive the remaining gross payment amount – \$264.21 – in their April 2016 paycheck. The payout is subject to taxes, deductions, and any other garnishments. Per the ratified contract, payment will be issued in full for 100% full-time equivalent (FTE) status employees and reduced on a proportional basis for part-time employees.

Members who received partial payout of the lump sum bonus in January 2015 will receive the remaining gross payment amount – \$87.68 – in their April 2016 paycheck. The payout is subject to taxes, deductions, and any other garnishments. Per the ratified contract, payment will be issued in full for 100% full-time equivalent (FTE) status employees and reduced on a proportional basis for part-time employees.

Eligible members who received both the January 2014 and January 2015 payments will have one single payment in your April 2016 paycheck for \$351.89

What makes someone eligible for the payment?

To be eligible for the payment, the individual must have been (1) actively employed on January 1, 2014/2015, (2) be MSU health care benefits eligible, and (3) a member of the APA bargaining unit. Even if a member invoked the health care waiver, s/he is still eligible for the lump sum payment if s/he met the eligibility criteria. And, if both an individual and his/her spouse/OEI were eligible for the payment, both APA members should receive the payment.

How will the January 2014 and January 2015 payout be issued?The payment will be noted as special pay and should be included in the member's April 2016 regular paycheck slated to be issued on April 29, 2016.

Are individuals eligible for the April 2016 payout if they received the January 2014 and/or 2015 payments and later left MSU employment before the court compelled MSU to issue payout of the wrongfully withheld funds?

Yes. The eligibility criteria will remain the same and therefore if an individual satisfied the eligibility criteria as of January 1, 2014/2015, the full amount must be issued to the APA member even if that individual left MSU before the withheld amount is distributed.

Who paid our legal fees to compel MSU to issue the payout for violating the APA contract?

Our state affiliate, the Michigan Education Association, covered all costs to ensure the Wage and Health Care Agreement was enforced as ratified by the APA contract. There was no additional cost to the APA for pursuing these legal claims on behalf of every APA member.

Who should I call with my additional questions?

APA members should feel free to contact the APA office at 517.999.4004 or via email at msuapa@msu.edu with any questions or concerns.

YOUR FELLOW APS

Interview by Laura Wise, APA Executive Board

Our APA Member Spotlight is highlighting Betty Wernette-Babian, R.S., University Sanitarian in this issue.

How long have you been at MSU?

Celebrating 32 years this month!! (I tell everyone I started when I was three!)

Have you been a member of APA the whole time?

Yes

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

The Food and Water Sanitarian promotes a healthy environment for students, faculty, staff, and visitors by overseeing food safety, inspecting, and licensing MSU facilities. I am also involved in providing manager certification training for our Residential and Hospitality Services staff who work in food operations.

What brought you to your job at MSU?

I had worked as a sanitarian with Allegan and Ingham County Health Departments, and as a corporate Sanitarian with Meijer before coming to MSU. I wanted a position that would not include a lot of traveling on the job! I was very interested in the Institutional atmosphere, one where partners would appreciate what I could bring to the university.

What do you love about working at MSU?

The people I interact with, not just the students but staff and faculty, it feels like a big family!

What do you like to do when you are not at work?

I am involved in my church as a workshop leader for our Christian Ed program for 1-4 grades, choir and usher. I also scrapbook and play a little golf. We love family time and try to go north often, (Mecosta County where I grew up) and Florida (where my parents had property and now we own, in Crystal River) in the winter.

SUMMER VOLUNTEER OPPORTUNITIES AT THE MSU COMMUNITY MUSIC SCHOOL

Each summer, the MSU Community Music School (CMS) offers summer camps that appeal to a range of interests, from choral music to rock to music therapy. All camps are held at either the MSU Community Music School or on the MSU campus and there are volunteer opportunities available!

CMS needs adult and youth volunteers most for the 14th Annual Eric 'RicStar' Winter Music Therapy Camp taking place June 13- 15, 2016 (children, adolescents, young adults) and June 16-18, 2016 (adults). This is a summer day camp that provides opportunities for musical expression, enjoyment and interaction for all people with special needs and their siblings. More information about the camp and the volunteer forms can be found at http://cms.msu.edu/el/special/musicTherapy_ricstar.php?el_special_ricstar or you can contact Jaime Merritt at merrit33@msu.edu for volunteer information.

Additionally, CMS often needs youth volunteers for the Beginning Strings Camp taking place August 1-5, 2016. This camp will introduce violins, violas and cellos to children ages 6-12. It's 5 days of hands-on instruction by professional string teachers and instruments are provided by CMS for students who do not have one. These volunteers need to be high schoolers or early college students and late-intermediate to advanced string players on violin, viola or cello. Interested volunteers should contact Dr. Sue Garber at garbersu@msu.edu with a letter of interest. More information for the Beginning Strings Camp can be found at <http://cms.msu.edu/el/children/StringsCamp.php>
Information on all the Community Music School summer camps can be found at http://cms.msu.edu/el/children/camps.php?el_child_camps

2016 ELECTION RESULTS

Per the APA Constitution and Bylaws, the annual election for the APA Executive Board must be held by March 31 of each year. Additionally, the APA holds election for MEA/NEA Representative Assembly delegate seats.

Please find below the 2016 APA Election results as announced at the public ballot tabulation that occurred at the APA office on March 29, 2016. A total of 293 ballots were cast in this year's election. Candidates are listed in the order of highest to lowest votes received. Next to each candidate's name is the amount of votes received:

Five 3-year terms on APA Executive Board (2016 – 2019)

Sue Brandt – 256

Carol Graysmith – 248

Todd Ring – 248

Martin McDonough – 246

Ramiro Gonzales – 245

Candidates unsuccessful in seeking election

Write-in: 11

Five 3-year terms for MEA/NEA RA Delegate (2016 – 2019)

Sue Brandt – 246

Ramiro Gonzales – 237

Todd Ring – 237

Carol Graysmith – 235

Martin McDonough – 231

Candidates unsuccessful in seeking election

Write-in: 11

APA PERCUSSION EVENT

Over fifty APA members attended the APA sponsored reception at the newly renovated Fairchild Theatre on April 14, 2016. Members were treated to complimentary refreshments, light appetizers and had the opportunity to speak with Jon Weber, Instructor of Percussion at MSU's College of Music.

The program included guest artists New Morse Code and an extensive program featuring works composed over the last twenty years. Be on the look out for future events featuring student performances at the College of Music!