



TO: CAAT Academic Faculty Members
FROM: The Faculty Negotiating Team
DATE: Wednesday, June 28, 2006
RE: Kaplan Award

The award of Arbitrator William Kaplan has been released today. It contains some real gains and some disappointments.

The top faculty priorities were Workload and Salary.

Workload

The road to quality improvements has never been smooth, short, or direct. That has not changed. Faculty have fought for several years to make changes to the workload system that would restore quality in the colleges. The strike was a huge step in the advancement of quality issues. That strike ended when faculty were able to get the quality issues before an independent party. While Arbitrator Kaplan did not resolve the issues, he has confirmed the need to deal with the quality issues. That is what faculty want and have achieved.

The absence of immediate workload improvements is disappointing but it is not a roadblock. The establishment of an independent third party examiner has been the way that gains have been made in the past. There is every good reason to believe that this will produce valuable results. The Skolnik Study, *Survival or Excellence*, paved the way for the workload formula.

Arbitrator Kaplan felt that given the lack of agreed-to definitive data on workload he was not going to make significant changes to the workload system. That meant none of the concession demands that management was insisting on – concessions such as a right to average teaching hours, to assign workload in non-teaching periods, to monitor faculty activity 12 months a year, etc. That also meant that Kaplan was not going to amend the formula factors or limit class size or add an escalator clause for excessive loads, or add preparation time or do anything at this time to address the quality concerns pointed out in the Rae Report. That is disappointing of course. Kaplan was also unwilling to change the ratio of full-time to part-time complement. However, Kaplan was not silent on the workload issues.

Independent Task Force Chair

Kaplan has taken a position similar to that taken by Arbitrator Martin Teplitsky in 1989. Teplitsky ordered such a study of wages and benefits with an independent chair supervising the project. The results of that study established the proper salary and benefits comparator groups. Kaplan has required a study of the workload issues again with an independent chair. The union proposed just such a study in 2004 negotiations but management refused to accept an independent chair. Accordingly, in the 2004 workload task force with no chair to control their activities, management ignored the agreed-upon mandate and engaged in useless internet explorations for far afield workload systems that

afforded greater managerial flexibility. Wollongong University in New South Wales was one example used for Ontario to model.

The strike was ended on the basis of an opportunity to have an independent third-party examine the workload issues. We had hoped that the Arbitrator would undertake that task. Kaplan has declined to adjudicate the workload issues. However, he has set up the mechanism to establish reliable findings on a wide range of workload issues.

Kaplan used the framework and the list of faculty issues from the 2004 Collective Agreement as the mandate for the Task Force he has established. The first responsibilities of the Task Force are to examine the “time spent in preparation, evaluation and feedback, and complementary functions, the impact of e-learning, the impact of class size, and the impact of total student numbers.”

Management has been consistently and adamantly opposed to any third party study of workload. This was a strike issue for them in 2004.

The pattern here is nearly like that in 1984/85. The 1984 strike which was over workload and protecting the sick leave plans was settled without any resolution of workload. Faculty were ordered back to work by legislation which prevented arbitration of the workload issues but set up an independent study of workload. That study, undertaken by Michael Skolnik in 1985, led to the creation of the workload formula and the hiring of over 1500 additional full-time faculty. [The William Marcotte Wages and Benefits Study led to the salary increases that restored college faculty to a position ahead of elementary and secondary school teachers.]

Pilot Projects

Kaplan has allowed the employer to go ahead with pilot projects. Any results will be subsumed under the authority of the Task Force and participation is entirely voluntary. Arbitrator Kaplan assured that any coercion to participate would be unacceptable to an arbitrator. The union will be advising members about how we might deal with any pilot project initiatives.

One additional hour for out-of class assistance

There was already agreement to add one more hour for out-of-class assistance. That will apply immediately. SWFs for the September term do not need to be amended to reflect the additional hour, but the five hours for Complementary Function Allowance must be deemed to be six hours immediately and if that takes total workload over 44 hours in any week, overtime must be paid. All SWFs issued henceforth must show a minimum of six hours for complementary function allowance.

Salary

On salary, we have done quite well. The across-the-board increases are 3% as of September 1, 2005, another 3% September 1, 2006, 3.5% September 1, 2007 and 4% September 1, 2008. In addition, a full Step 21 will be added to the grid in April 1, 2007. By September 1, 2008, the top faculty salary, exclusive of allowances, will be **\$96,530**. In total, this is a 15.33% increase in salary at the end of the 4 year period.

Here is how that relates to our comparator groups and to management's offer. The current gap between college faculty and the midpoint between high schools and universities is \$16,280. Management's offer would have increased that gap to \$17,529.

The award will decrease the gap to \$15,276. The gap between college and high school salaries increases from \$2,349 to \$6,121.

The salary increases apply to full-time and all partial-load teachers, and retirees will get the full benefit of the 2005 increase.

Retroactivity

The award will be fully retroactive on salary. Anyone who has been in the bargaining unit at any time since September 1, 2005 will be entitled to full retroactive pay for their period of employment in the bargaining unit. This includes retirees and partial-load teachers no longer under contract. The full payment must be made within 60 days. The question of how this affects pensions is tied to the terms of the pension plans. We are checking the details of the CAAT Pension plan to see what restrictions there might be, if any, on adjusting the pension contribution and benefits so that there is no negative impact. The plan does allow the employee to purchase lost credits. We need to determine if that covers retirees as well.

Other Agreed-to Items

There are a number of agreed-to items which are listed on the OPSEU website as a part of the Arbitration Materials.

Summary

While the union would have liked to have real solutions put in place now, it would have been unhelpful to win minor changes at this time. That would have made it harder to make significant gains later. Of course, the results of the union workload survey should have been convincing, but Kaplan was unwilling to go down the road of accepting the position of one side and denying completely the other, no matter how much more reliable the positions of one side were.

It is regrettable that the findings of the Rae Report will not bear fruit soon and that the decline in quality that Rae so clearly identified will continue while the study is done. It will continue because the same people who have presided over that decline remain in charge. Here is one of the most telling passages from management's documents submitted to the Arbitrator:

“The Union appears to take exception to Mr. Rae’s acknowledgement (quoted at paragraph 61 of the Union Brief) that the colleges have been the poster child of efficiency. That Ontario colleges have been able to maintain high graduate employment rates and high rates of graduate, student and employer satisfaction despite their budgetary limits is testimony to the colleges’ commitment to their mandate. It shows that the colleges have been investing wisely as a means of preserving quality.” [Management Reply Brief, page 3, June, 2006]

Here is the full text of Rae’s remark:

As a result, the colleges have been Ontario’s “poster child” for efficiency gains the past decade. Per-unit-costs of delivering services have been dramatically reduced. **The reward for this achievement is a diminished**

**ability to deliver the educational services Ontario and Ontarians
badly need.** [emphasis added] [Rae Report, page 48, February, 2005]

Astoundingly, the colleges disregard the consequences Rae has pointed out and they actually take pride in this assessment, and wear it like a badge of honour. It is no wonder that management does not want another, more directed study of the workload and quality issues in the college system. That study will confirm what Rae found. No one will be fooled by meaningless and misleading KPI figures.

The colleges saved approximately \$35 million during the strike on faculty salaries and benefits (Benefit coverage was picked up by OPSEU.) The Arbitrator advised the union that 2 colleges claim they had no savings, one of them because of spending on security during the strike. That was Fanshawe College.

The return-to-work overtime claims were not sorted out during the mediation/arbitration, so the process of resolving those claims will now proceed. The panel will be established and we should soon have guidance as to just how the panel wishes to proceed with overtime claims resulting from the return-to-work and any semester completion strategies.

Faculty have taken another important step towards changes to workload and improvements to quality in the colleges. The changes will not come overnight and we have witnessed in this round of negotiations a management group more entrenched and more determined than ever to thwart those changes. By their own words, management confirms a willingness to sacrifice quality for fiscal efficiencies. As they did in 1985, faculty will need to work with this new Task Force to ensure that the reality of academic work in the colleges today is made known. Faculty will not abandon the quality issues.

Ted Montgomery, for the team

Authorized by:

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