

# AAUP

AUGUST 1, 2011

## SECOND ROUND OF SEBAC TALKS CONCLUDES: AAUP VOTES TO AFFIRM LATEST TENTATIVE AGREEMENT BETWEEN SEBAC AND THE STATE OF CONNECTICUT

The SEBAC (State Employee Bargaining Agent Coalition) talks have concluded a round of renegotiation with the Malloy administration. Each unit of SEBAC has been asked to affirm the latest agreement either by voting again or affirming their earlier agreement. Because the latest agreement produced no changes to the earlier proposed agreement that negatively impacted our members, the AAUP Executive Committee saw no compelling reason to vote again on the agreement which was ratified overwhelmingly in June, 86% to 14%. The full text of the latest version of the agreement can be found on our website [www.uconnaaup.org](http://www.uconnaaup.org) (Revised SEBAC 2011 TA).

Three changes have been made to the agreement. The first modification is a written attachment to the agreement providing “clarifications” regarding the voluntary Health Enhancement Program (HEP). (You will find this at the end of the latest tentative agreement as Attachment G.) The clarifications were added to respond to misleading claims about the HEP, such as the claim that the HEP provisions put state employees into the Sustinet program. *The formal language in the revised agreement about the HEP is unchanged.*

The other two changes are technical modifications required by the timing of the renegotiation. Neither has a negative effect on UConn-AAUP members and may improve the terms of the agreement for our members.

The first of these is spelled out in Attachment A, Section A.1 of the revised agreement. It provides for the return of wage increases to the State for Fiscal Year 2012 (which started on July 1, 2011) and may be disbursed to state employees prior to ratification of this agreement. Substantively, this change is inserted to preserve the basic structure of the original SEBAC agreement ratified in June 2011 by the AAUP membership, i.e., that there will be a pay freeze in FY 2012 and FY 2013. While we understand that announcements by many schools and departments concerning this year’s merit recommendations may seem otherwise, nothing more is being conceded than was conceded in the June vote. Assuming that the tentative SEBAC agreement is passed, AAUP will work with the University administration to ensure that meritorious activity during the freeze years is fairly considered when normal pay increases resume.

The second technical modification revises some deadlines and start dates, such as extending the deadline to retire under the terms of the present contract from September 1, 2011 to October 1, 2011. The purpose of this change is to allow more time for prospective retirees who may have delayed such a decision pending a final vote on a revised SEBAC agreement. These changes make the current terms similar to those prevailing when our ratification vote took place in June.

## TA RENEGOTIATION AND MODIFIED SEBAC VOTING PROCEDURES

Back in June, a clear majority of 57% of all state employees also voted for the concession package. Eleven of the fifteen voting SEBAC members (more than 2/3's) reported their memberships' votes to ratify the agreement. However, the original agreement was not approved by SEBAC due to a voting rule within SEBAC itself which AAUP and others disputed. That rule for SEBAC called for a double super-majority of votes among SEBAC leaders: 14 of the 15 voting units, with the 14 units voting in favor representing at least 80% of the unionized state employees.

This outcome created a very difficult democratic dilemma both for UConn-AAUP and for all SEBAC leaders and their units who supported the original agreement. While an overwhelming majority of our voting members (84%), and a solid majority of state employees (57%), voted in favor of the agreement in the face of severe economic disruption and large workforce reductions, SEBAC's internal voting rules implied rejection of the agreement.

Suggested resolutions of this dilemma varied greatly. Should SEBAC's supermajority procedure be used even when it means that a minority trumps the vote of the majority? Or, since the SEBAC voting rules are only internal rules, adopted more than fifteen years ago by the SEBAC leaders, should those rules be changed to allow "majority rule" to govern the voting in SEBAC allowing the membership at large to decide the result?

To reasonable people, either of these is a defensible democratic position. We have received comments from our members reflecting both points of view about which is a more democratic and appropriate resolution. For some, the "will of the majority" decision is the priority. What matters most in this view is what the overwhelming majority of our members want. Others maintain that we should stick to the SEBAC rules in place, even if those rules produce a "rule of the minority" decision, or may not be technically applicable for final ratification votes.

In the end, we voted in favor of the agreement, but it did not pass under the old supermajority rules. We then voted in favor of an effort to modify the agreement in some way to address the negative reactions by units not supporting the agreement. In a separate, later vote, we supported changing the voting rules for future agreements. *These new voting rules now require a majority of voting units representing a majority of union members to ratify any formally reopened deal. That vote to change the rules passed overwhelmingly among the SEBAC leadership.*

We took this decision fundamentally because, while we respect the need to adhere to a procedure, we think that a majority decision should be the final resolution. We also could not ignore the fact that our unit voted so strongly in favor of the agreement. To reject the agreement against the stated preference of 86% of our members in order to preserve a disputed voting procedure that gives a small minority a veto seemed unacceptable to us. We view this decision as the best resolution to a difficult situation.

## QUESTIONS AND ANSWERS

**\*\* Q. *Are our members voting again on the latest agreement?***

A. No. Since nothing has changed that has an impact on our members, we affirmed the revised deal on the basis of the previous vote. The AAUP Executive Director and the Officers consulted on this step, and the Executive Committee supported the decision to affirm the previous vote.

**\*\*Q: *Why are other units voting while we are not?***

A: Some units had close votes, and there is some evidence that sentiments may have changed considerably in the last month, not least because Governor Malloy has indeed resorted to large layoffs. Other units have started to receive pay increases from July 1, and need to vote on the “pay-back” provisions of those disbursements. Our unit’s vote in June was overwhelmingly in favor (86% to 14%), and the provisions in the agreement did not change substantively (and those only to our benefit), so there is no reason to revote.

**\*\*Q: *Since the deal is substantively the same, won’t the “no” units still vote against the deal? Isn’t what you’ve done the same as changing the voting rules governing the first deal?***

A: No. Leaders could have amended the bylaws to accept the 57% to 43% vote in favor of the prior agreement. We (and others) opposed that. Leaders then did just what they said they would do. They changed the bylaws to conform more closely to democratic majority rule which govern the creation and modification of almost all union contracts including SEBAC’s. They sought the best possible revisions in the agreement that they could get, and when the Malloy administration would go no further, judged the overall package better than the alternative of no agreement.

For renegotiation, each union had an opportunity to bring forward the issues of greatest concern to their members, and those were presented to the governor’s representatives (who also made their own proposals). Union leaders fought nearly round the clock for 4 days to achieve changes and clarifications, but, unfortunately, the governor refused to make major changes to the Enhancement Program and in the Early Retirement adjustment.

Ultimately, it is possible that some units that were close votes might flip their votes. Corrected information and layoff notices may have caused some reconsideration by people in units who thought they could get a better deal by voting no, convincing them to vote yes. We are not voting again because our unit overwhelmingly passed the deal in June, the package is essentially the same, and no one else got a better deal. The fact that classes are out and this vote was not anticipated when classes were in session also raises some practical voting issues, even with electronic voting, that lead us to affirm the previous vote. We also think that passing the new agreement is in the interest of our members, public employees in general, and the citizens of Connecticut.

**\*\*Q: *Can the SEBAC agreement now be reopened again with a 50% vote?***

A: No, the 80% supermajority rule remains unchanged for the purpose of entering a renegotiation. The change to majority rule only affects the final vote on a reopened agreement.

**\*\*Q: *Can the AAUP or other local agreements be reopened?***

A: As always, local contracts, including AAUP's, can be reopened by *mutual* consent (such as between AAUP and the UConn administration). But these local deals cannot change pension and healthcare benefits, because those are decided collectively by SEBAC. With the job security provisions in the first four years and raises in the last three years of this agreement there is **no** reason for a reopener unless it is for demonstrably mutual benefit.

**\*\*Q. *What if I like the old SEBAC voting rule (14 of 15, 80% to pass a renegotiated contract) better than the new voting rule, and want to vote against that change?***

A. SEBAC is a coalition of unions, not of members. Its bylaws have always been created by, and voted upon, only by the leaders of the constituent unions who are, of course, elected by their members. The AAUP officers voted to change the rule believing that, once a renegotiation has been initiated by SEBAC, majority rule for membership ratification is more democratic. The provisions that require the higher voting rule to *start* a renegotiation process are a check against divisive changes to the agreement.