

**Council of University System Staff
May 21, 2002
UMCES at Horn Point**

Minutes

Members Present

Norman Billie (UMES)
Jessica Bird (UMB)
Sally Hearn (UMBC)
Joe Hill (UMBC)
Dottie Holland (BSU)
Rusty Kinnamon (UMCES)
Patrick Lane (FSU)
Judy Lowe (SU)
Vera Maher (USMO)
Lu Ann Marshall (UMB)
Dale O'Neal (BSU)
Carol Prier (UMCP)
Roy Ross (UMB)
Shelia Richburg (UMBI)
Andrianna Stuart (UMCP)
Donna Test (SU)
Brenda Warwick (UMES)
Venus Windmiller (UMBI)
Fran Younger (UMCES)

Alternates

Art Hanlin (FSU)
Hermetta Hudson (UMES)
Karen Stukes (UMBI)

USMO Liaison

Rosario van Daalen

Guest

Dr. William Dennison
Vice-President (UMCES)

Call to Order

Roy Ross called the meeting to order at 10:05 a.m. Rusty Kinnamon welcomed the group and introduced Dr. William Dennison, Vice-President for Scientific Affairs at UMCES. Dr. Dennison explained that the UMCES at Horn Point is situated on the former DuPont estate, built on the Choptank River in the 1950's. UMCES has three laboratories—Horn Point, Solomons Island, and the Appalachian Laboratory at Frostburg State University. The Horn Point Laboratory is trying to solve problems with the Chesapeake Bay—one of the major projects is trying to reestablish the oyster culture in the Bay.

Approval of the Minutes

The Minutes from the April 16 meeting were approved with revisions.

Report of the USMO Liaison

Rosario van Daalen reported that there has been a collective bargaining petition filed at Frostburg for the Exempt staff. The next meeting of SHELRB will be on Thursday, May 23 from 9 a.m. until 12 noon at the new building site, located on Bestgate Road in Annapolis.

The Chancellor's Salary Guidelines were distributed, with the understanding that nothing is firm until after the Board of Public Works meets in September. The Guidelines apply to all USM employees, regardless of the source of funding—e.g., grants, etc. Evaluations must be completed for all USM employees, as this is a Board of Regents policy. The final tally of “meets standards,” etc., will be disseminated later in the summer, after each USM institution files the necessary paperwork. The northeast market review for the salary guidelines should occur this fall (although no one knows where the money to hire a consultant to perform the study will come from). The “market review” compares jobs that are easy to compare. Some jobs have no comparable positions outside of the USM—e.g., UMCES research vessel employees. Rosario will circulate a list of the “benchmark positions” that will be used to conduct the market review when it becomes available.

Council members were reminded that some information shared at CUSS meetings is sensitive and must be handled as such. Some of the Presidents complained that CUSS members had a copy of the Attorney General's memo on collective bargaining before the Presidents obtained a copy.

A memo was sent to the HR Directors regarding the \$500 match (dollar for dollar) for employees in the new pension system who contribute to a supplemental retirement account (this figure is down from the original \$600 match).

Chair's Report

Roy Ross reported that “unfair labor practices” (ULP's) was the main topic at the last SHELRB meeting. There have been 4-5 complaints of ULP's leveled at Salisbury University, one of which concerns the “shared governance” issue. These grievances will first be heard at the Office of Administrative Hearings.

According to Joe Hill, the “neutrality” issue was removed, so that the USM Presidents will now be able to speak to employees during collective bargaining elections.

The CUSS Executive Committee met with John Anderson, of the Attorney General’s Office, regarding the role of CUSS in a collective bargaining environment. According to Mr. Anderson, CUSS can continue in its present capacity—as an advisory group to the Chancellor and Board of Regents—as it is legally codified. Roy pointed out that it may no longer be possible for CUSS members to communicate and share information with individual HR offices, as employees at the institution may have an exclusive bargaining agent and this would cause a conflict of interest. This point, however, was not addressed in the Attorney General’s memo, but will need to be considered. It was pointed out that in a collective bargaining environment that no one outside of the “negotiating team” can participate in negotiations concerning wages, etc.

The Attorney General’s memo on “Shared Governance and Collective Bargaining” was distributed. The memo contains three possible options to address membership on CUSS:

- Option 1: Exclude from the purview of shared governance bodies matters which are mandatory for collective bargaining, i.e., wages, hours and other terms and conditions of employment, insofar as they affect staff who are represented by an exclusive representative. Such bodies would continue to exist as now constituted and to provide advice on all other matters on which they now advise.
- Option 2: Exclude from the purview of shared governance bodies matters that are permissible collective bargaining issues insofar as they affect staff who are represented by an exclusive representative. Each institution may define the subject matter appropriate for shared governance participation by staff, and therefore an institution may decide to discuss with its staff’s unions matters in addition to those which are mandatory negotiation matters. Existing shared governance bodies would continue to exist as now constituted and to provide advice on all other matters on which they now advise, except to the extent that limiting the issues that a shared governance body may consider effectively leaves that body with no meaningful role. For example a non-exempt staff council that could not address matters

affecting non-exempt staff would have little to do. Such bodies could be eliminated. . . .

- Option 3: An institution that limits the subject matter of shared governance as in Option 2 could in addition restructure its shared governance bodies to end participation in them by staff who are represented by an exclusive representative. This may prove to be the most practical option, given the debates referenced above, which will inevitably occur with Options 1 and 2. (Institutions should consider how employees who are in bargaining units with an exclusive representative but who are excluded from collective bargaining by statute, may retain some voice in institutional affairs.)

UMBC has elected to use Option 3.

The issue of individual staff senates was discussed at length. If staff senates are eliminated by collective bargaining, CUSS members may have to be selected in other ways (a number of institutions select CUSS representatives from the staff senate membership). One possible solution would be to have the President appoint CUSS representatives from his/her institution. Currently, CUSS representatives share information with the institution and staff senate. If individual staff senates are dissolved, it will be more difficult to share information with USM employees. The staff senate issue will need to be resolved. Several suggestions were put forth—one suggestion is for the “decision” to be included in the MOU with the selected union(s), while another suggestion would be for the BOR to include staff senates as part of the shared governance process.

The “Shared Governance Report” contains 3 “model” Senates that were judged to be “unique.” Institutional models that are not represented in the Report should not take their exclusion as a sign that their model is “incorrect.”

Roy stated that the Board of Regents did not meet in May, although the proposed tuition increase was approved.

Roy thanked Joe Hill for coordinating the distribution of the CUSS Newsletter.

Committee Reports

Benefits Committee

Andrianna Stuart reported that the Committee is circulating a draft on Employee Assistance Programs (EAP) and the Exempt merit program. The Committee is seeking to standardize the Exempt merit program to mirror the Nonexempt program. Comments should be submitted to the Committee via e-mail.

Community Development Committee

Lu Ann Marshall reported on the July 22nd transitional meeting/retreat, which will be held at Podickory Point. Invitations will be sent to former CUSS representatives, as well as an invitation issued to Donald Tynes.

The Board of Regents is scheduled to announce the winners of the 2002 Staff Awards at their retreat in July.

Legislative Affairs

Roy Ross reported that he plans to distribute copies of legislation that affects USM and its employees, as well as legislation that affects employees as private citizens, at the June meeting. One piece of legislation that affects all Maryland citizens is a bill which now prohibits insurance companies from using credit information to set rates for homeowners and car insurance.

Old Business

There was no old business to discuss.

New Business

It was reported that there has been a change to the tuition remission policy for Contingent II employees. Several employees at UMCP had their forms returned, as individual campuses are now able to determine where Contingent II employees can enroll. UMCP disallowed tuition remission to UMUC, or anywhere else in the USM. The Board of Regents made this change to the tuition remission policy. In the past, tuition remission was a negotiable issue; however, the new policy states that Contingent II employees may participate at their home institution only, and is dependent on funding. The concern is with inequity—some

institutions grant tuition remission, while some institutions do not grant the benefit at all. Rosario will look at the new policy on contingent employment, which is supposed to improve benefits.

Brenda Warwick asked that any CUSS members who plan to stay overnight at the Henson Center for the June 25 meeting at UMES let her know, so that she can give the Center an approximate head count.

Art Hanlin will take the “official” CUSS photograph at the June meeting.

Adjournment

The meeting was adjourned at 1:55 p.m. The next meeting is scheduled for Tuesday, June 25 at UMES.

Respectfully submitted,

Lu Ann Marshall

