

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

COUNCIL OF CHAPTERS

SPRING 2011

NEWSLETTER

VOLUME XXXII, No. 2

UMDNJ Faculty Recruitment & Retention Study

At the request of the AAUP, UMDNJ conducted a faculty recruitment and retention study. The September 21, 2010 report concluded that:

- UMDNJ has difficulty retaining experienced grant-funded research faculty and is only able to recruit less experienced clinical faculty;
- The pressure on clinical faculty to increase patient care activity hinders clinical research and the mentoring of younger faculty;
- UMDNJ is unable to recruit experienced faculty to replace Associate and Full Professors leaving UMDNJ. Replacements are at the junior ranks of Instructor and Assistant Professor;
- Senior RWJMS faculty recruited away from UMDNJ received substantial salary offers from competing universities that UMDNJ was unable to match;

- NJDS has lost a significant number of experienced full-time faculty while student enrollment has increased, such that any further reductions in full-time faculty will jeopardize NJDS's educational program accreditations; and
- The School of Nursing is unable to recruit a strong cadre of doctorally prepared faculty to support its increased enrollment.

The study further concluded that UMDNJ cannot match competing outside salary offers and that it must "reach beyond financial incentives and find ways of enhancing the academic community." The AAUP hopes to work with UMDNJ in its upcoming contract negotiations to address these identified deficiencies so as to improve UMDNJ's competitiveness and enhance the quality of its academic community.

You may review the full UMDNJ Faculty Recruitment & Retention Study at www.aaupumdnj.org (under the "Resources" menu).



Dr. Anurudha Patel accepts the 2011 Arthur Kahn Memorial Award for Service to the AAUP from Dr. Anthony Boccabella. See story on page 5.

AAUP Enforces Your Rights

Part-Time Faculty Entitled to 3 Float Holidays

As a result of the AAUP filing an arbitration, UMDNJ agreed to cease pro-rating float holidays for part-time faculty and retroactively restored float holidays for identified part-time faculty who had their float holidays improperly pro-rated. This agreement reaffirms that **ALL** faculty covered by the AAUP contract are entitled to three (3) float holidays, irrespective of their status.

AAUP Obtains Extramural Incentive Award for Eligible Faculty Member

As a result of the AAUP filing an arbitration, UMDNJ agreed to provide an eligible faculty member with their extramural incentive award. The University initially refused to pay the award to the faculty member because it alleged that faculty who resign prior to the end of an academic year (June 30) are not eligible. This arbitration agreement clarifies that continued UMDNJ employment is not an eligibility criteria and that the sole eligibility criteria for an extramural incentive award are:

1. You must be the principal author of the grant;
2. You must be the principal investigator;
3. The grant must contain salary support; and
4. You are not appointed as coterminous.

AAUP to Arbitrate RWJMS Cardiology Division Workload Increases and Reduction of Faculty Books Dues and Travel Monies

On June 14, 2011, an arbitration hearing will be held to determine whether RWJMS can unilaterally increase faculty workload and unilaterally reduce faculty books, dues, and travel monies. Article XXII (Rules Governing Working Conditions) of the AAUP-UMDNJ contract requires UMDNJ to notify the AAUP of any changes to working conditions and negotiate over new rules or modifications of existing rules involving terms and conditions of your employment. Here, the Cardiology Division Chief increased weekend call and reduced the monies per faculty member allocated for books, dues, and travel without agreement of the faculty, without notice to

the AAUP, and without negotiation.

It is the AAUP's expectation that an arbitrator's decision will require UMDNJ to compensate the RWJMS Cardiology Division Faculty for the increased workload and to retroactively reinstate the books, dues and travel monies.

We want to reinforce the importance of your monitoring and reporting to the AAUP any changes to terms and conditions of your employment. The AAUP has successfully advised faculty on reported modifications on the terms of their employment. When the University is unwilling to compromise, the AAUP has intervened with faculty support, demanded negotiation, and advocated on your behalf. Upon such a demand to negotiate, UMDNJ is prohibited from making any changes and is required to maintain the status quo until, and unless the issue(s) are negotiated. Failure to promptly question UMDNJ and notify the AAUP of changes to the terms and conditions of your employment constitutes acceptance of such modification and will preclude the AAUP and you from negotiating over a change prospectively.

PERC Issues Charges Against UMDNJ for Retaliation Against RWJMS Cardiology Division Faculty

In response to UMDNJ non-renewing three faculty members in the RWJMS Cardiology Division for collectively complaining to their Chair and their Dean about the terms and conditions of their employment and for raising double-billing and other compliance-related inquiries, the AAUP's Council approved the filing of a retaliation claim against UMDNJ with the Public Employment Relations Commission (PERC). PERC determined that these faculty members engaged in protected activities and issued charges against UMDNJ to ascertain whether there is a nexus between the three non-renewals and the protected activities the faculty engaged in. The AAUP has proposed a reasonable resolution to this matter, which UMDNJ has rejected. Unless UMDNJ agrees to resolve this matter, it will proceed to hearing. It is the AAUP's expectation that a decision by PERC will require UMDNJ to retroactively reinstate these faculty members and compensate them for all lost earnings.

The leadership of the AAUP will not condone acts of retaliation and believes it is a blatant hypocrisy that an institution that prides itself on compliance and has a strict

AAUP UMDNJ Newsletter

The **Newsletter** is published by the UMDNJ Council of AAUP Chapters.

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non-retaliation policy condones and will defend against this abhorrent conduct.

We will update you on the outcome of this matter upon receipt of the decision.

AAUP Supports NJMS Anesthesia Faculty Against NJMS Imposing Salary Reductions

In response to NJMS seeking to impose significant salary reductions on its Anesthesia faculty and with the support of the department faculty, AAUP demanded and engaged in negotiations with UMDNJ. AAUP's objective was to establish a competitive salary structure within the department's budgetary constraints. With direct input from faculty, the AAUP proposed a competitive salary structure on par with academic medical centers in the northeast that was within the department's budget, eliminated multi-year guarantees, and shifted the risk associated with faculty practice collections to the faculty. Despite this proposal, which met all of the University's stated objectives, the NJMS administrative leadership and the department's interim chair ceased negotiations, declared an impasse, and imposed a salary structure that was rejected by a department faculty vote. The department faculty rejected the salary structure UMDNJ imposed because it provided NJMS with the discretion to hire new faculty at higher salaries than existing faculty with comparable years of experience; maintained long-term guarantees of a few at the expense of the entire department; and failed to appropriately recognize work experience. Particularly troubling was that NJMS imposed this salary structure in the face of ten faculty resignations, exclusive of the Chair, in the 6-month period preceding this imposition and with full knowledge that the salary structure was not competitive enough to recruit experienced faculty. The imposition of the salary structure has increased faculty workload and decreased salaries by \$50,000 to \$100,000 per faculty member.

As a result of this imposition, AAUP's Council filed an unfair practice charge for UMDNJ's failure to bargain in good faith. It is the AAUP's expectation that this charge will require NJMS to reach an agreement with the AAUP on a salary structure supported by the department faculty.

UPC Filed for UMDNJ's Refusal to Negotiate over Reorganization of RWJMS Faculty Practice Plan

In November 2010, the AAUP learned of RWJMS's intent to reorganize University Medical Group (UMG), the RWJMS Faculty Practice Plan. To ascertain what impact this operational

and financial reorganization would have on faculty terms and conditions of employment (*i.e.* workload and compensation), the AAUP requested UMDNJ to provide it with information relating to the reorganization. When RWJMS failed to provide this information in a timely manner, the AAUP requested UMDNJ to negotiate over the impact of the proposed reorganization. Without providing any information, UMDNJ responded that "there has been no impact on the terms and conditions of employment of clinical faculty represented by the AAUP in connection with the reorganization." After the AAUP raised the University's refusal to provide any information to President Owen, the University subsequently provided the AAUP with a one-page document confirming that the UMG reorganization impacted on faculty terms and conditions of employment. Specifically, the document calls for a reallocation of revenues and expenses, and references a new departmental distribution formula. It is unclear what this formula is and how it may impact future compensation.

The AAUP has since requested additional information relating to the distribution formula. Despite a written commitment from UMDNJ that it intends to be transparent and "share information concerning the reorganization of the RWJMG," the University has refused to provide the AAUP with the requested information and continues to refuse to negotiate.

In response, AAUP has filed an unfair practice charge (UPC) with PERC. It is the AAUP's expectation that the filing of this UPC will require RWJMS to provide the AAUP with all the requested information and to negotiate with the AAUP over the impact of these changes. The purpose of these negotiations will be to provide RWJMS faculty with input into any changes to their faculty practice plan. Until and unless RWJMS negotiates with the AAUP over the impact of the practice plan reorganization, RWJMS will be prohibited from modifying the terms and conditions of employment as they relate to the reorganization of the practice plan.

Recent Legislation and AAUP Lobbying Efforts

New Jersey Residency Bill

Recent New Jersey legislation requires all public employees hired after September 1, 2011 to be residents of New Jersey. Although the law does not expressly exclude faculty and

librarians from the residency requirement, it provides all higher education institutions the discretion to exempt faculty and staff without limitation. No prior State approval is required for this exemption. The reporting of exempt positions is intended to list individuals and positions requiring special expertise or extraordinary qualifications in an academic, scientific, technical, professional or medical field that would seriously impede the ability of the institution to compete successfully with institutions of higher education in other states.

AAUP Advocates for Legislation that Will Allow UMDNJ to Contribute above \$141,000 Alternate Benefit Plan Cap

On July 1, 2010, New Jersey legislated a pension contribution cap of \$141,000 for Alternate Benefit Plan (ABP) participants. What this means for you is that UMDNJ's pension contribution is limited to 8% of your first \$141,000 in income (even though you are required to contribute 5% of your full salary). Prior to July 1, 2010, UMDNJ's 8% pension contributions were unlimited for faculty hired prior to July 1, 1996 and limited to \$235,000 for faculty hired on or after July 1, 1996. For a more detailed explanation of the legislated changes to your pension, please see the July 9, 2010 *AAUP Newsflash* at www.aaupumdnj.org under the *News* menu.

In response to and in recognition of the impact this legislated cap has on the faculty and librarians we represent, the AAUP met with Assemblywomen Pamela Lampitt, Chair of the Assembly Higher Education Committee and State Senators Jim Whelan and M. Theresa Ruiz, members of the Senate Higher Education Committee, to emphasize the negative impact the legislated cap will have on the retention and recruitment of UMDNJ faculty.

As a result of these meetings, in January 2011, Assemblywoman Lampitt sponsored a bill that will permit UMDNJ to make supplemental contributions to the ABP above the \$141,000 legislated cap. The bill passed the Assembly Higher Education Committee but has yet to go before the full Assembly for a vote. Assemblywoman Sheila Oliver (District 34) serves as Assembly Speaker and determines what bills are voted upon. AAUP is recommending you contact Assemblywomen Oliver at 856-435-1247 or at AswOliver@njleg.org to encourage her to post this bill for a vote. The more calls and emails Assemblywoman

Oliver receives expressing your desire to move this bill to a vote, the greater the likelihood the bill will be voted upon by the Assembly and passed on to the Senate for a final vote and adoption.

Since the proposed bill leaves it to the discretion of UMDNJ to supplement above the \$141,000 legislated cap, we also encourage you to request that Dr. Owen commit to such supplementation if and when the legislation passes. The AAUP has learned that NJIT is currently supplementing above the legislated cap and that Rutgers intends to do so. It is our opinion that even if the bill passes, UMDNJ's administration is unlikely to supplement unless you impress upon them the importance of this issue.

1.5% Faculty Librarian Contribution to Health Benefits Effective July 1

Effective July 1, 2011, all faculty and librarians represented by AAUP will be required to contribute 1.5% of their pensionable compensation towards the cost of health benefits, regardless of the plan chosen or level of coverage. The 1.5% contribution will be calculated on total pensionable compensation, which includes academic base salary, patient service component, and faculty practice guarantee. Even though the 1.5% contribution was legislated in 2009, all faculty and librarians represented by AAUP do not contribute for health benefits and have been exempt from the 1.5% contribution for the past two years because of AAUP's strategic decision to extend the current collective bargaining agreement. This 2-year contract extension precluded the University from imposing the legislated 1.5% contribution. If you have a spouse that is on an employer-sponsored health plan, we recommend that you consider your health insurance options before the July 1, 2011 effective date.

AAUP Monitors Higher Education Task Force Recommendations

As a result of the recent Higher Education Task Force recommendations, Governor Christie appointed the members of the Governor's Higher Education Council and the University of Medicine and Dentistry of New Jersey (UMDNJ) Advisory Committee. The Governor's Higher Education Council will serve as an advisory body to the Governor on all higher education matters and provide recommendations on statewide initiatives for the higher education system. The UMDNJ Advisory Committee is charged with examin-

ing the delivery of graduate medical education in New Jersey and developing recommendations on how to improve its delivery. Specifically, the UMDNJ Advisory Committee is charged with the following:

1. Whether Robert Wood Johnson Medical School and the School of Public Health should be merged with Rutgers University's New Brunswick-Piscataway campus;
2. Whether UMDNJ's Newark-based schools should be merged with any of the senior public higher education institutions in Newark;
3. Whether UMDNJ's south Jersey-based schools should be merged with any of the senior public higher education institutions in southern New Jersey;
4. The role and mission of University Hospital;
5. Whether NJIT should start its own medical school;
6. How graduate medical education should be delivered in southern New Jersey;
7. Whether the various public nursing schools should merge; and
8. Such other matters as may be referred to the Committee by the Governor.

The Advisory Committee is expected to make its recommendations by September 1, 2011. The AAUP is monitoring all developments relating to the Advisory Committee and intends to advocate on your behalf to the 5-member committee in their deliberations.

Rest assured, irrespective of what happens, as long as you support the AAUP, the AAUP will continue as your bargaining representative and any new entity your school may be affiliated with in the future will be required to negotiate with the AAUP over the terms of your employment. The AAUP has already initiated discussions to ensure that any restructuring will include a transfer of your tenure rights and your contractual benefits.

AAUP Advice and Announcements

At Whose Discretion Are Your Discretionary Account Monies?

In recent months, UMDNJ has denied faculty access to their discretionary funds. These denials included faculty requests to access their discretionary funds for academic purposes, such as attending academic conferences. The AAUP has been successful in resolving some of these issues and recently requested the University to provide faculty with clear guidance on the use of

discretionary accounts. The AAUP advised the University that faculty have an expectation that they will have access to these funds for work-related reasons. The University has refused to provide any such guidance and instead, asserts that access to discretionary account monies is subject to University approval and can be denied at their discretion.

Discretionary Account Advice

The AAUP believes that if the University desires to modify faculty access to discretionary accounts, the University is obligated to notify faculty of this change in policy so that faculty can make informed decisions as to whether to put their money into a discretionary account.

As such, the AAUP recommends that you limit the monies you place in discretionary accounts or get prior approval for the expenditure of these funds in writing prior to placing monies into a discretionary account. Further, it is the AAUP's recommendation that you take your extramural incentive award as salary so that your access to these monies is not at the University's discretion. To the extent you have substantial monies in a discretionary account, we recommend you establish an approved plan to spend it down.

Dr. Anurudha Patel Honored as 2011 Recipient of Arthur Kahn Memorial Award

On May 4, 2011, UMDNJ faculty gathered at the Spanish Tavern to honor Dr. Anurudha Patel as the recipient of the 2011 Arthur Kahn Memorial Award for Service to the AAUP. Dr. Patel, an Assistant Professor in the NJMS Department of Anesthesia was honored for her selfless advocacy on behalf of her department. She gave of her time and spoke out against what the University wanted to impose for all the right reasons. She put her personal interests aside for the sake of the department. In doing so, Dr. Patel exemplifies what the AAUP stands for and how effective faculty are when they advocate for themselves. We congratulate Dr. Patel and thank her for her selfless efforts.

Call Us With Your Questions

This *Newsletter* contains a lot of important information in summary fashion. If you have any questions about any of the issues raised in the *Newsletter*, you may contact AAUP staff members in Newark: 2-5875; Piscataway: 5-4916; Stratford: 6-6093, or email us at council@aaupumdnj.org.



L'envoi Nancy Stevenson, Ph.D.

All successful organizations, American Association of University Professors included, are built upon people. And Nancy Stevenson, Ph.D. has been a pillar of AAUP for more than three decades. She has been President of the RWJMS/SOM/SPH Chapter for two terms and has served indefatigably as Council Member, Treasurer, Vice President, and Co-President from 1978 to the present day. Most importantly, she has been a wellspring of astute judgment, absolute candor, highest ethical standards and gritty determination to serve as both faculty advocate and guardian of the academic mission. Her wisdom, based on longstanding AAUP experience, has been a sought-after and highly valued ability which I and other Council members have frequently turned to when vexing problems have arisen.

Nancy Stevenson has succeeded in the complex roles of basic scientist and teacher no less than she has accomplished great things for AAUP. She joined the Physiology Department of (the then) Rutgers Medical School as instructor in 1971, and she became a full professor of physiology and biophysics in 2005. In the interval, she was honored as UMDNJ/RWJMS Master Educator in 2001, and also for distinguished service and professional leadership in health science education by the Stuart D. Cook Master Educator Guild in 2009. She has served as an NIH site reviewer, esteemed lecturer, and prolific author. The high regard that UMDNJ/RWJMS holds for her is exemplified by her directorship of the course in "Medical Physiology" for 18 years! Arguably, there is no biomedical course more important for the training of young physicians, and Professor Stevenson set the standard for teaching Physiology to more than 2500 future RWJMS M.D.s for nearly two decades. Both the magnitude and the quality of her academic legacy are not likely to be duplicated ever again at RWJMS.

As I look over her contributions to this medical school (and AAUP), it becomes incredibly hard to realize that she is making a graceful exit from the turmoil that surrounds AAUP and the rapidly changing world of academic medicine in general, and UMDNJ in particular. Her wise pragmatism, belief in the primacy of the student-teacher relationship and the twinkle in her eye will be sorely missed in the deliberations of AAUP.

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