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OCT. 5, 2023

Bargaining Update

Dear Faculty Colleagues,

Today, the AAUP-UD bargaining team will be attending our first mediated session with the administration's bargaining team. Because it has been more than thirty years since the AAUP-UD has requested mediation, it may be a process that is unfamiliar to many of you. Below, we answer some questions that you have asked us about our rationale for seeking the help of a mediator and the process of mediation itself.

***What exactly is "mediation" in the context of collective bargaining?**

In Delaware, it is a process during which a bargaining team requests that the State Public Employment Relations Board (PERB) appoint a neutral third-party with expertise in labor law (i.e., a "mediator") to help both sides resolve issues about which they are at an impasse. Our team believed that, after approximately 30 bargaining sessions, we had reached an impasse with the administration on several vital issues, including faculty salary increases and participation in key areas of shared governance.

***Has our request for mediation slowed down the bargaining process, as the administration has suggested that it would?**

No. We strongly believe that the administration's lengthy response times to our proposals and its lack of movement on faculty salary increases in particular made it highly unlikely that we would have been able to resolve our issues quickly and favorably without the intervention of a mediator. It took nearly a year past the expiration of the previous contract in 2016 to secure the current contract—we are committed to avoiding such a lengthy delay this time.

***How long will the mediation process take?**

The state PERB will provide up to three separate mediation sessions with varying

times in between (dates are set by mutual agreement). Based on the remaining number of unresolved issues, we anticipate needing at least two mediation sessions, which will likely occur one to two weeks apart.

***What will happen if we reach a tentative agreement with the administration during mediation?**

To become effective, the proposed contract would need to be ratified by the majority of AAUP-UD members and be signed by parties on both sides. (Non-members are ineligible to vote on the ratification of a contract. This is another reason to [join the AAUP-UD now.](#))

***What will happen if we don't reach a tentative agreement within three mediation sessions?**

We have the option to go to binding arbitration, during which the arbitrator would decide which complete contract—our proposed version or the administration's—would prevail. There would be no ratification process by AAUP-UD members in this case.

***Why did the AAUP-UD oppose the administration's plan to distribute 2% raises to faculty prior to the ratification of a new contract?**

These raises would have been a violation of labor law (i.e., illegal) if instituted. They had no basis in the newly expired contract and had not been negotiated—or even discussed—with the AAUP-UD. We will not be party to a violation of labor law, even if it seemingly benefits us in the short term. If such a violation benefits us this time, it might not benefit us the next. Both sides need to follow all the rules all the time.

***Is it true that currently there are different criteria for retirement eligibility for AAUP-UD members and nonmembers?**

Absolutely not. Under no circumstances may the administration apply different criteria for compensation or benefits (or anything else) based on your membership status in the AAUP-UD.

This question has arisen because of potentially misleading wording on human resource's [retirement benefits webpage](#), which may imply that being an AAUP-UD member will result in a 5-year eligibility penalty. More specifically, after a discussion of how certain benefits-eligible staff will be subject to a lesser requirement for retirement after 1/1/2024 than they currently are (i.e., the "Rule of 80" will be lowered to the "Rule of 75" for these staff members), this statement appears: "The Rule of 80 criteria continues to apply to participants in the AAUP." This statement has suggested to some of you that non-participants in (or non-members of) the AAUP-UD will be treated more favorably than AAUP-UD members in the matter of retirement eligibility. In fact, this practice would be illegal. The subject of retirement

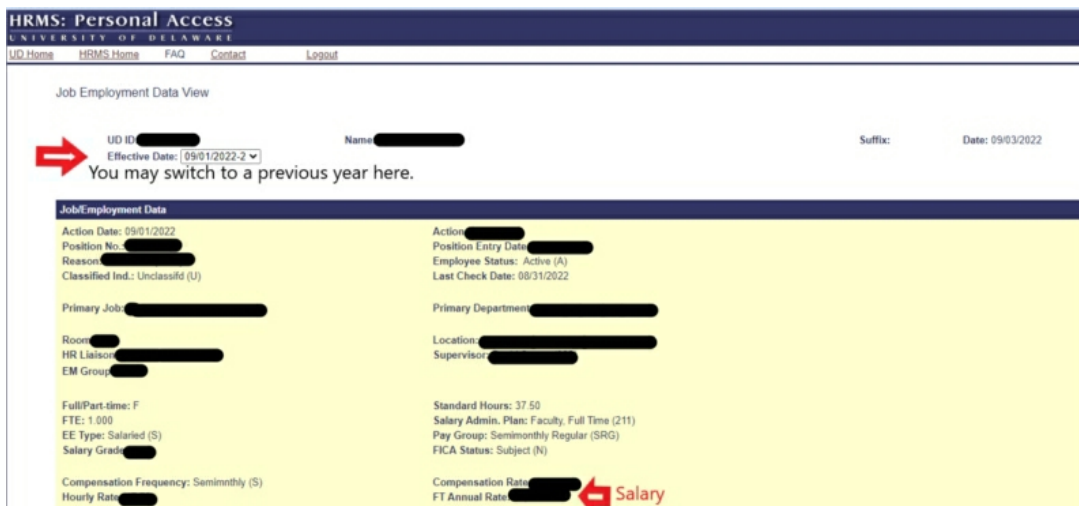
eligibility has been discussed in our negotiations, resulting in what we believe to be tentative agreement. If the “Rule of 75” ends up being included in the new contract, it will apply to all bargaining unit faculty as well as to staff.

***If you were promoted to a new rank this year, should you have received a raise for this promotion and, if so, how much should it be?**

Yes, you should have received a raise for your promotion. Because promotional raises were not end-dated in the contract, the administration had no legal basis for withholding them. The amount of your raise should have equaled the relevant promotion increment unless this amount did not bring your salary up to the minimum at your new rank. If it did not, then your salary should have been raised to that minimum. You will find the promotion increments listed in the [2020 amendments](#) to the contract and the salary minimums listed on p. 30 of the [original contract](#). Please note that in the 2020 amendments to the contract, salary minimums were frozen at FY20 rates.

To find your current salary, which can be tricky, you may follow these instructions:

- Log in to [webviews](#).
- Select “Job Employment View.”
- Choose a date, and refer to the “FT Annual Rate” as indicated in the following image.



If you have any questions about bargaining in general or the above information in particular, please do not hesitate to contact us at admin@aaupud.org. We will continue to keep you apprised of bargaining developments.

In solidarity,

Deni S. Galileo
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