A Protocol for the Bargaining Process

This document incorporates text from the UA constitution, cited parenthetically after the actual language, and new language presented in italics. It has been prepared with the FT bargaining process in mind. Some additional language might be necessary for PT bargaining.

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revised March 1, 2013, after EC consultation
(draft text prepared/revised by David Shiman)

Recruitment/Selection of the Negotiating Team:

The year before a current contract expires, the Executive Council will appoint from the active membership of the appropriate bargaining unit a Negotiating Team responsible for negotiating a contract with the representatives of the Board of Trustees of the University of Vermont. (6.1)

In selecting the Chief Negotiator and Negotiating Team Members, the Executive Council will first announce, both at a meeting of UA and by mail, a call for candidates. The Executive Council (and Bargaining Council Chair, ex-officio) will then have the responsibility for screening these candidates and will make their selections based upon the candidates' demonstrated and/or perceived skill and expertise in negotiations, as well as candidates' expertise in specific issues raised in a given contract. (6.3)

The Negotiating Team will consist of a Chief Negotiator and no less than two other members. (6.2)

In the event that the Executive Council wishes to add or subtract members of the Negotiating Team, including the Chief Negotiator, during bargaining, the Executive Council may do so without repeating the initial search-and-ratification process. The Executive Council must, however, justify these changes to the Bargaining Council. (6.4)

Approval of Negotiating Team:

The names of the proposed Negotiating Team and Chief Negotiator selected by the EC shall be submitted to the Delegate Assembly for approval (3.4.3). The D.A. must ratify the selection by a majority vote of members present at a meeting of the Delegates Assembly. (6.2)

Communications during the Contract Negotiation:

The Delegates Assembly serves as the bargaining council to advise the Chief Negotiator and Negotiating Team of each bargaining unit on contract issues (3.5.1). The Chief
Negotiator or his/her designee shall meet regularly with the DA to keep them apprized of the negotiations and seeks their feedback and guidance on the proposals.

It is the responsibility of the Negotiating Team to issue regular reports to the membership on the state of the negotiations. Generally, these shall be issued after each session.

Collective Bargaining Process

Prior to the commencement of negotiations:

The Negotiating Team is responsible for drafting contract proposals with the assistance of the Delegates Assembly/Bargaining Council and with the advice and consent of the Executive Council. (7.1)

The Chair of the Delegates Assembly/Bargaining Council may appoint special subcommittees to research and assist in the drafting of proposals. Members of such subcommittees need not be members of the DA/BC, but must be a member of the bargaining unit of the contract to be negotiated. (7.1.1)

The Chief Negotiator and the Chair of the Delegates Assembly/Bargaining Council will also hold a Collective Bargaining Caucus, attended by Department Representatives, for the purpose of gathering and discussing members’ ideas and concerns. (7.1.2) This may be supplemented by the dissemination of a survey to the union membership.

Upon the commencement of negotiations:

THE BARGAINING TEAM SHALL PROPOSE ADDITIONAL TEXT TO BARGAINING GROUNDRULES STATING THAT UA AND UVM SHALL MAKE A JOINT PUBLIC ANNOUNCEMENT WHEN TENTATIVE AGREEMENT HAS BEEN REACHED AND AFTER THE UA APPROVAL PROCESS, DESCRIBED BELOW, HAS BEEN SATISFIED.

The Delegates Assembly serves as the bargaining council to advise the Chief Negotiator and Negotiating Team of each bargaining unit on contract issues (3.5.1). The Chief Negotiator or his/her designee shall meet regularly with the DA to keep them apprized of the negotiations and to seek their feedback and guidance on the proposals. The EC AND THE DA may EACH SEND AN OBSERVER to attend negotiating sessions, as appropriate, to keep the EC and DA informed of the status of the negotiations.

The Executive Council has the responsibility to ensure that the membership of the appropriate bargaining unit is informed during a period of contract negotiation. (7.2) To this end, the EC shall ensure that the Negotiating Team issue regular reports to the membership on the state of the negotiations. Generally, these shall be issued after each session.

Tentative Agreement and Contract Ratification
As negotiations are moving towards resolution of the most pressing concerns (i.e., the final articles), the Chief Negotiator or his/her designee shall provide the EC and DA/Bargaining Council WITH ample opportunity to provide input/feedback on the positions held by the Negotiating Team.

When a Tentative Agreement (T.A.) that covers all the items has been reached with the University at the bargaining table, the Negotiating Team shall, prior to any public issuance of a statement announcing this Tentative Agreement, shall submit the T.A to the DA for comment and recommendation to the EC. The EC shall THEN vote on the T.A. IF THIS VOTE IS COUNTER TO THE DA’S RECOMMENDATION, THE EC SHALL MEET WITH THE DA TO RECONSIDER THE VOTES AND, IF NECESSARY, TO CONSTRUCT A STATEMENT TO THE MEMBERSHIP EXPLAINING THE DISAGREEMENT. IF THE E.C. VOTE IS CONSISTENT WITH A FAVORABLE DA RECOMMENDATION, there shall then be a public announcement of the Tentative Agreement. At this point, the process for a member ratification vote shall commence. (7.3)

At least seven days in advance of the ratification vote, the Executive Council shall announce the date, place, and time of a meeting of the Active UNION Members of the appropriate bargaining unit of UA for their consideration, I.E. A VOTE, of a proposed contract, and circulate copies and/or detailed highlights of the proposed contract to members. In unusual cases of crisis, the Executive Council may reduce the 7-day notification rule to not less than 48 hours. (7.4) This VOTING meeting shall be at a time when few classes are held. (7.4.1) Copies of the proposed agreement and/or detailed highlights must be made readily available PRIOR TO AND at this VOTING meeting. (7.4.2)

Members of the bargaining unit who are not members of United Academics will be provided with the negotiated contract and/or its DETAILED highlights and will be encouraged to join the Union so that they may participate in the ratification vote.

At this meeting, any vote taken on the contract shall be by secret ballot. Only Active UNION Members of the appropriate bargaining unit, or any persons whose attendance is invited by the Executive Committee, may attend this meeting and only Active UNION Members of the appropriate bargaining unit present at this meeting, or those whose absences have been deemed legitimate by the nominations and elections committee, shall have the right to vote. (7.5) Absentee ballots will be permitted via secure internet.

A contract negotiated by the Negotiating Team shall become binding when ratified by the Board of Trustees of the University of Vermont and by a majority of the Active UNION Members of the appropriate bargaining unit of UA who vote on ratification. (7.6)
UA shall comply with all rules and regulations of the Vermont State Labor Relations Board which are applicable to the resolution of contract disputes and ratification of contracts. (7.7)