

25 January 2024

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The *Torment of Florida Education by the Florida Legislature*, with apologies to Martin Schongauer

Friday Q & A on What's Goin' On

Tomorrow Friday, starting at 1 pm, the USF UFF Chapter will hold a hybrid Q & A session on what's going on, so come with your questions to the Marshall Student Center Chamber Room, MSC 4200 on USF Tampa (or come via Zoom). Some of the things that are going on are...

- **Where We Are Now.** Member recruiting and card collecting.
- **Red Tape and Reconciliation.** New laws require a lot of paperwork from the union, including these SOI cards.
- **Legal Battles.** Legal battles continue over post tenure review, academic freedom, and .. arbitration (among other things). **And the arbitration battle is important.**
- **Election Season.** Both the USF Chapter and the state UFF are holding elections this spring.
- **Bargaining Starts in April.** What do *you* think the union should prioritize?

Chapter Meeting and Hybrid Q & A on Friday, January 25th at the Marshall Center.

The USF Chapter of the United

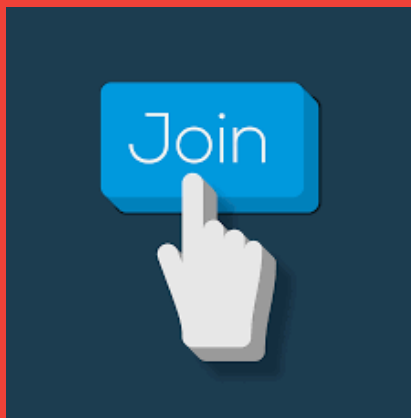


Faculty of Florida will meet tomorrow, Friday, at **12 pm**, at the Marshall Student Center Chamber Room, MSC 4200, on USF Tampa, and on Zoom. On the [agenda](#): the card and recruiting campaigns, post tenure review, litigations and more. And here

are [the minutes for the previous meeting](#).

The Chapter Meeting will be followed at 1 pm by a Q & A session. All UFF USF employees - members and non-members alike - are invited to attend. But to Zoom in you must have an invitation: contact [the Chapter Secretary](#) to get one.

Meetings and events are [posted on the Events Calendar](#) of the [UFF USF Website](#). Come and check us out.



Union Membership

If you are not a union member, please ***join today*** (the form connects automatically to the eDues form, so you will want to have your banking information or checkbook information handy). We are stronger standing together in solidarity.



Where We Are Now

We are going through a new but not improved union recertification process that was ... reformed ... last year by the Legislature. (Certification means that the employer has to bargain a contract with the union.) This new system requires that *every year*:

- A union have at least **60% of the employees** it represents as dues-paying members, or
- That a union submit a petition signed by at least **30% of the employees** it represents to have an election to determine whether the union shall continue to be certified.

At the moment, about 30% of the USF employees that the United Faculty of Florida represents are members, so we are collecting signatures for the petition to have an election. That's what these [Showing of Interest](#) cards are. **We need cards from both union**

members and non-members alike. We have already collected a lot of the cards, but the lawyers want enough cards so there won't be any funny business. (If you haven't sent in cards already, please [download](#), print your full name clearly, sign, date, and send *two* cards - the lawyers insist on *two* cards, and the law requires them to be the original signed cards on paper - to the **United Faculty of Florida, 30238 USF Holly Dr., University of South Florida, FL 33620.**)

And be prepared for an election later this term, probably conducted by mail.



Red Tape and Recertification

[2023 Senate Bill 256](#) (see lines 78 - 114) should have been called the **Wrap Unions in Red Tape Act** It requires that each union (except for those that the Legislature likes)

submit a stack of forms annually. Some of the information required has to come from the employer, which may or may not have that information handy. It has to be checked by a CPA and submitted within a ten-day window or the entire submission is turned down. And the overworked, understaffed commission then must check it to make sure that there are absolutely, positively no errors (otherwise it is rejected) and make the correct decision, or everybody goes to court.

Your tax dollars at work

Before this year, annual "recertification" - confirmation that a union represented the employees of its bargaining unit - was a straightforward affair. The union would give the [Public Employees Relations Commission \(PERC\)](#) some standard renewal forms, and that was it. **Recertification was not about getting rid of a union.** If some employees wanted to get rid of a union, they collected Showing of Interest cards to petition PERC to hold an election to either get rid of the union or replace that union with another union - and unhappy employees did not have to wait for recertification season to do that. **Until 2023, the only way to get rid of a union was (a) for the employees to vote it out or (b) for their employer to disappear.** But Senate Bill 256 gives PERC the ability to get rid of a union by setting up an obstacle course so that PERC could decertify any union that tripped up.

UFF is not going to be tripped up. We have asked the Administration for the relevant information (that has to be supplied within another narrow window) and the Administration is on it. We have lawyers working on the case and a CPA lined up. (And we are already in court, as this law violates both the state and federal constitutions.) **And we will not be distracted from our regular duties of enforcing the contract, bargaining a new contract**

(starting in April), or [conducting an election](#) (to be concluded by April).

Some comments about [the bill](#). Lines 115 - 118 says that the union must retain records for .. it doesn't say how long. One year? One decade? One century? And lines 148 - 155 took away our union member's right to pay dues by paycheck deduction while lines 156 - 168 preserves that right for members of unions the Legislature likes. Never say that this Legislature isn't nice to its favorites.



Legal Battles

Too much crazy leads to a lot of litigation. For example, the Public Employees Relations Commission (PERC, the same agency handling recertification) has five unfair labor practices before it filed by the United Faculty of Florida, mostly concerning post tenure review. Meanwhile, two anti-"woke" bills are facing multiple lawsuits - and one of them is enjoined and we're working on the other one. But an issue that faculty should pay more attention to is an issue that the provost's office mentions only briefly in their write-up on that other bill: **arbitration**.



What Happens When an Administrator Violates your Contractual Rights and Privileges? You file a grievance. *And ARBITRATION keeps it honest.*

It starts when you file a grievance, i.e., a formal complaint that your contractual rights and privileges have been violated. *Remember you only have 30 days from an infraction of your rights to file a grievance!* The process has three steps:

1. **An informal attempt to resolve the issue.** If that doesn't work...

2. **A hearing before the Provost's office.** If that doesn't work....
3. **Arbitration**, which is a formal hearing with the UFF (representing the grievant--who has to be a dues paying UFF member for this) and the USF Administration presenting their cases before an outside neutral arbitrator, who resolves the issue.

Unfortunately, Senate Bill 266 bans arbitration in many cases (see [lines 274 - 284](#)). Meanwhile, the USF Administration laid off some instructors - and gave them inadequate notice while doing so. Since the instructors were UFF members, UFF represents them in a grievance against the dismissal. The Administration whiffed Step 1 and Step 2 and claimed that arbitration is no longer available because of the new law.

So the USF Chapter of UFF (with support from UFF and its affiliates) [sued](#) and we are now in court defending the rights of instructors. We are hopeful as the arbitration ban appears to violate both the state and federal constitutions.

And who is paying for all these lawyers to defend employee rights before commissions and the courts? **Dues-paying union members, that's who.** So support the defense and [join today](#)



Election Season

The USF Chapter of the United Faculty of Florida is a democracy, and it's election season. The Chapter will conduct an election for the president,

vice president, secretary, and treasurer of the chapter. In addition, voters will elect senators to represent them in the statewide United Faculty of Florida (whose senate meets twice a year) and delegates to represent them in the Florida Education Association (which represents K-20 teachers and professionals statewide, and whose Delegate Assembly meets once a year).

All UFF USF members, and only UFF USF members, may participate by running for positions and by voting. See the [Call for Nominations](#) for details.

Bargaining Starts in April

Meanwhile, according to [our contract](#), bargaining a new contract starts in April, and the Bargaining Committee would like to know:

- What issues are important to you *personally* in your work?
- What issues do you think that the Bargaining Committee should focus on?

Please send comments, suggestions, desiderata, etc., to [the chapter secretary](#).



Follow us on Social Media

We have a Facebook group: see [United Faculty of Florida at USF](#). This page is a place where UFF members can exchange thoughts and ideas. The page is "public", but only dues-paying UFF members are eligible to post items on the page. If you are a UFF member, ask to join on the page, and the moderator will invite every UFF member that asks to join. Non-members are welcome to look (but you need a Facebook account to do that). So check us out.

- We have a blog: see [The USF Faculty Blog](#). This has news items as they come up.
- We are on Twitter (or X), so follow us on Twitter / X via [@UffUsf](#).
- We even have a You-Tube channel: [check out our videos](#)

If you want to help with media matters, contact [the Communications Committee chair](#).

Grievances

If you have been the victim of a violation of the [Collective Bargaining Agreement](#), you have thirty days from the time you knew or should have known of the violation to file a grievance. If you are, and at the time of the violation were, a dues-paying member of the United Faculty of



Florida, you have the right to union representation. To contact the UFF USF Grievance Committee, go to the [Grievances Page](#).

Don't forget: UFF can only represent an employee in a grievance if that employee was a member at the time of the contract violation. *And as of the end of last month, the FEA does not want its lawyers to assist any UFF members who are not on eDues, so if you are a UFF member but did not switch eDues, that [should be fixed TODAY](#).* And don't forget that if there is a contract violation, the grievance must be filed *within thirty days*.

USF United Support Fund for Food Pantries

Many of our students are struggling during with food insecurity, and the USF Foundation is supporting the [USF Food Pantries](#) to help out. They are accepting non-perishable donations, but one can also make monetary donations for the pantries at all three campuses.

Details, Details

About this broadcast: This Newsletter was broadcast by Constant Contact, and is intended for all members of the UFF USF Bargaining unit (USF faculty and professionals at most departments). A (usually identical) version will be broadcast to USF-News and USF-Talk from mccolm@usf.edu.

If you do not want to receive the UFF Biweekly, you can unsubscribe below or contacting [the Chapter Secretary](#). If you do not receive the Biweekly, but want to, contact [the Chapter Secretary](#).

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