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In This Issue

The primary policy-making body of the statewide United Faculty of Florida is the Senate, which meets twice a year to hear reports, set policy, and deal with the budget.

- **Litigation.** The Senate heard from *three* law firms UFF engaged to fight recent legislation.
- **You Mean There's More?** The Legislature is back in Session and the news is good and bad.
- **Post Tenure Review Here and There.** The various institutions are all over the map over post tenure review. Meanwhile, at USF, PTR'd faculty are getting their college level reports.
- **Where We Are Now on Certification.** We are still collecting cards and preparing for whatever comes next.

Oh, yes, about the budget. We are using dues money to pay for lawyers.



Chapter Meeting on Friday. The USF Chapter of the United Faculty of Florida will meet tomorrow, Friday, at 12 pm, in EDU 415, on USF Tampa, and on Zoom. On the [agenda](#): legal updates, membership and certification, the Senate meeting, and more. And here are [the minutes for the](#)

[previous meeting](#). 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.

Certification. Don't forget to send in your [Showing of Interest Cards](#) (both of them, please, with your *full* name) to the United Faculty of Florida, 30238 USF Holly Dr., University of South Florida, Tampa, FL 33617.

Chapter Election. The USF Chapter is holding its annual election during the next month and a half. The deadline for



nominations has past and ballots will soon be go to the printer, to be mailed to home addresses of UFF members. *UFF is a democracy, but only dues-paying UFF members may participate in chapter elections by running for office or representative seats and by voting.* We will announce when the ballots are in the mail; they are due (in our hands) by March 27.



Union Membership

UFF (statewide) President Theresa Hodge says: 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.



FEA General Counsel Kimberly Menchion

Litigation

The Senate meeting opened with a report on ongoing litigation from the union's General Counsel and three law firms the union has retained.

Here are some laws being litigated (some have multiple actions underway - and there is additional litigation by other organizations like the ACLU and FIRE):

- [Senate Bill 256](#) prohibits dues payment by payroll deduction
- The Public Employees Relations Commission is demanding that the union insert text in the membership form that employees must sign to join the union.
- [Senate Bill 266](#) bans arbitration in many cases - which would cripple the union's ability to enforce the contract.

For more on the effect of a ban on arbitration, see the [previous Biweekly](#). The litigation concerns instructors who were summarily fired in violation of the contract.

- Senate Bill 266 also mandates Post Tenure Faculty Review (for more on that, see below).

The union is litigating all these issues in multiple actions before multiple forums. We are hopeful, but we are litigating laws passed by elected legislators and signed by an elected governor before judges and commissioners nominated or appointed by said governor. Election year is a good time to remember that an ounce of prevention is worth a pound of cure, and we are now spending pounds on cure...



Laws & Regulations

Wait, There's More....

The Legislature is now in session and does not seem to be up to as much mischief as during the previous two years. Apparently, some legislators are worrying about how well this culture war will play in the general elections. So this session is a bit mixed.

- [Senate Bill 242](#) / [House Bill 151](#) provides for cost of living increases for retirees on the Florida Retirement System.
- [Senate Bill 1372](#) targets the Colleges of Education, saying that teachers "May not distort significant historical events..." (and who decides what "distort" and "significant" means?).
- [Senate Bill 1518](#) / [House Bill 183](#) is for graduate student fee waivers.
- [Senate Bill 1746](#) / [House Bill 1471](#) slightly reduces the paperwork burden on unions while increasing the paperwork burden on union members.

And the union is hopeful but cautious on prospects for higher education funding.



Administrator cat and faculty birds from [Wikimedia Commons](#)

Post Tenure Review Here and there

PTR (which is what we are calling "post tenure faculty review") affects the 58% of the employees in the UFF USF Bargaining Unit who are tenured or tenure track, so the possibility of tenure becoming something that isn't tenure is something that the USF Chapter - and in fact, all university chapters in the United Faculty of Florida - are taking seriously.

Moreover, PTR involves the union's right to enforce the contract - which involves *everyone*.

At the Senate meeting, the university chapters met together to hear reports and compose recommendations for the Senate. Most chapters were dealing with PTR, and university administration reactions ranged from stonewalling and unilaterally imposing PTR to bargaining PTR so that any tenured faculty member who had satisfactory annual evaluations would be PTR rated as at least meeting expectations. Some administrations and it didn't get bargained.

For the majority of the universities that did not bargain PTR, it is not in the contract, so no irregularity in the process is grievable under the contract. And PTR was not bargained at USF and it is not in our contract. For example one of the USF deans decided that PTR ratings submitted by college chairs (in accordance with criteria composed by the faculty as demanded by USF Academic Affairs) were too lenient, and adjusted them so that approximately a number of the PTR'd faculty in that college were rated as "not meeting expectations". **None of these faculty have been harmed (yet) so this irregularity is not, in itself, grievable.**

That dean is only making recommendations to Academic Affairs. But Academic Affairs is more remote and will be dealing with hundreds of PTR packets. (Besides, the union has not yet heard of any tenured faculty member rated unsatisfactory - yet.) **But the moment that a faculty member is harmed, it is grievable - but UFF can only represent employees who were UFF members at the time that they were harmed (not five minutes afterward), so [join today](#).**

What do these ratings mean?

1. **Exceeds expectations.** The provost has made noises about money. (UFF FAMU has asked for 18% raises as that's what the FAMU president got.)
2. **Meets expectations.** You can keep your job. Until the next round in five years.
3. **Does not meet expectations.** You will have a "plan" imposed on you, and you must meet the expectations in the plan if you want to keep your job.
4. **Unsatisfactory.** Start sending out your CV.

Of course, a "plan" imposed on a faculty member is a violation of

that faculty member's academic freedom - which *is* in the contract. And dismissing a tenured faculty member without just cause - as defined in the contract - is another contractual violation.

Here comes the rub. If a PTR'd faculty member (who is also a member of the union!) is rated as not meeting expectations or unsatisfactory, the result is a grievance. (And the grievance is *not* against the rating; it's against the imposed plan or the termination.) **But the final step in the grievance process is arbitration, which keeps the system honest.**

The Legislature passed a law banning arbitration in many cases, and within months USF colleges were running amok. The union's view is that the arbitration ban violates both the state and federal constitution, and the USF chapter is litigating. Litigation takes a long time, but the longer that Academic Affairs waits before reining in the wilder deans, the more expensive the ultimate outcome. Meanwhile, faculty members undergoing PTR may want to [join asap](#) before their contractual rights are violated by a plan or a dismissal.



Where We Are Now on Certification

Senate Bill 266 required that each chapter of the union have 60% of the employees in their Bargaining Unit as dues paying members as of February 8 in order to be automatically recertified (certification is required in order to bargain and enforce a contract). FGCU, FIU and FSU met that goal, but USF did not (we had about 30%), so we are now on Plan B, which is to collect signatures for a petition to the Public Employees Relations Commission (PERC) to hold a referendum of the employees of the Bargaining Unit on whether the union shall continue to represent them.

This petition is made up of those [Showing of Interest Cards](#) we are asking people to sign. We have already collected enough cards to compel PERC to act, but we would like to collect an overwhelming majority of cards because the USF Board of Trustees could voluntarily recognize the union and thus forgo the election. So we are continuing to collect cards.

Reality Check. Senate Bill 266 requires that we go through this recertification process every year, which is one reason why it would be much better if at least 60% of the employees in the Bargaining Unit joined. In addition, the more members we have, the more we can accomplish with more volunteers, and the more clout we have in bargaining and enforcing the contract.



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 October, 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 to 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.



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](#).

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

The USF-UFF Chapter website is <http://www.uff.ourusf.org>, and our e-mail address is uff@ourusf.org. About this broadcast: This Newsletter was broadcast from 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](#).

United Faculty of Florida | 30238 USF Holly Dr, University of South Florida, Tampa, FL 33620
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