

Negotiating Process and Related Issues

Allegation #1

President Eisler has directed a negotiating process between the FSU Bargaining Team and the FFA Bargaining team that has continued to create months of turmoil in the university and the community, and that resulted in a faculty strike.”

The Facts

- At the start of negotiations this spring, the FFA’s original proposal was for five years and included a 6% salary increase per year, plus an increase in the Supplemental Market Adjustment to \$400,000 annually. Additionally it included increases in healthcare contributions, overload, summer pay, and other items. The first-year cost of this proposal was \$18,248,783, a cost increase of 27.2%. The five-year cost of this proposal was \$38,987,211, an increase of 58.12%.
- The University’s initial offer was for a 1.5% salary increase each year for five years, plus annual supplemental market adjustments totaling \$200,000 (.5 percent) per year for an average total compensation package exceeding 2% per year.
- In June, the FFA offered a revised proposal for three years, with a 6% annual salary increase, and an annual supplemental market adjustment of \$400,000.
- Six negotiation sessions were held with the FFA, without a mediator, with little progress.
- With little progress the University proactively sought the assistance of a state-appointed mediator, a neutral third party, to help both sides reach a tentative agreement before the start of the fall semester.
- After the University filed for fact-finding on Aug. 24, the FFA offered a new proposal in mediation on Aug. 26 containing a 3.75% salary increase annually for three years, with Supplemental Market Adjustment funding of \$300,000 per year of the contract. The FFA leadership publicly stated in the media that its proposal was for a 2.75% annual salary increase.
- After reaching tentative agreements on numerous non-economic items on Aug. 26, the FFA team walked out on negotiations and conducted an illegal strike on Aug. 27, the first day of classes.
- On Aug. 29, the University counteroffered, at the bargaining table, a five-year contract that includes a 2.25% salary increase per year for the first three years, followed by a 2.5% salary increase per year for the last two years. This offer does not include a supplemental market adjustment, but seeks to give all faculty represented by the FFA a higher annual increase. The five-year cost of the University’s current offer to the FFA will require increased funding in excess of \$28 million.

Responses to the FFA Resolution of No Confidence – Sept. 24, 2018

- The FFA team walked out of mediation on Aug. 29 without explanation and without setting or discussing a new mediation date.
- It was the FFA's choice to cease bargaining and to engage and participate in an illegal strike on the first day of classes.
- In consulting with the mediator, the University offered that it will be available every day to continue negotiations. After consulting with the FFA, the mediator proposed Sept. 27, Oct. 2 and Oct. 5 as potential negotiation sessions. The FFA declined Sept. 27 and accepted Oct. 2 and Oct. 5.

Allegation #2

President Eisler prematurely directed the intervention of a State mediator, a decision that brought to a halt face-to-face negotiating by the teams and impeded any good-faith bargaining between FSU and the FFA Bargaining Teams.”

The Facts

- Six negotiation sessions were held with the FFA, without a mediator, with little to no progress. At this point the gap between the sides was large, with the FFA at an annual salary increase amount of approximately 7% and the university at approximately 2%.
- With no progress the University proactively sought the assistance of a state-appointed mediator. The intent here is to seek outside help that will assist negotiators to reach a positive conclusion. A State mediator does not impede good-faith bargaining. Their purpose is the exact opposite. As a neutral third party, the mediator helps both sides reach a tentative agreement.
- The University and FFA conducted five negotiation sessions with the mediator, and made progress, but did not reach tentative agreement on all items.

Allegation #3

“President Eisler has directed a “bad faith” negotiating process that refused to discuss major contractual issues such as health care, adequate wage increases, increase in the numbers of promotions, summer pay, discipline, tenure issues and tenure review, workload, and continuing the Salary Market Adjustment.”

The Facts

- “Bad faith” is a frequent charge made by the FFA during contract negotiations. Despite these repeated claims, a judge has not found the University to have engaged in bad faith bargaining during President Eisler's term. This includes negotiations with eight different unions over an extended period of time.

Responses to the FFA Resolution of No Confidence – Sept. 24, 2018

- Negotiating sessions have included significant and time-consuming discussions regarding salary, supplemental market adjustment, summer and overload pay, and healthcare.

Allegation #4

“President Eisler engaged the services of an adversarial and disrespectful chief negotiator, Jim Greene, to whom he is paying hundreds of thousands of dollars from student tuition, state tax dollars, and university funds, unnecessarily prolonging the negotiating process and creating anxiety for faculty and their families.”

The Facts

- Negotiations are complex and outside legal counsel are used by both parties.
- Negotiations surrounding salary and health benefits are often difficult, leading both sides to feel that the other side’s negotiator or team is adversarial or disrespectful.
- We have conducted four negotiations since 2003. In 2006, we used the same outside negotiator and reached agreement before the start of the semester. In 2010, we did not use an outside negotiator and did not reach agreement before the start of school. Instead, it took until the second week of October before a tentative agreement was reached. In late spring 2013, an administrative law judge used the opportunity of an unfair labor practice hearing to mediate a tentative agreement.