



PORTLAND STATE UNIVERSITY

American Association of University Professors

Promoting Quality Higher Education – An Investment in Oregon's Future

Via Email and U.S. Mail

September 24, 2013

President Wim Wiewel
Portland State University
Post Office Box 751
Portland, Oregon 97207

RE: AAUP Complaint for Article 28, Division A- Expedited Dispute Resolution:
Articles 8 & 14, regarding University's Unilateral Changes to Workload and
Merit Pay Policies and Practices in the Toulan School of Urban Studies and
Planning

Dear President Wiewel:

I write pursuant to Article 28, Division A of the collective bargaining agreement between Portland State University (PSU) and PSU-AAUP to request expedited resolution about the University's attempt to impose unilateral changes to faculty workload and merit pay policies and practices in the Toulan School of Urban Studies and Planning (USP), in violation of Article 8 and Article 14 of the agreement, as well as the Oregon Public Employees Collective Bargaining Act (PECBA).

On or about August 14, 2013, Carol Mack, Vice Provost in the Office of Academic Affairs, demanded the elimination of long-standing provisions in the USP Guidelines, Procedures, and Operating Rules (USP Guidelines) that govern faculty teaching loads and merit salary recommendations. Specifically, Dr. Mack demanded the elimination of the following:

1. _____ USP Guidelines Section II, item C, "Merit Salary Recommendations," which provides: "Merit evaluations may take equity into consideration, however, such adjustments should be based on specific issues. Lack of merit increases in the past is not sufficient reason for an equity adjustment."
2. _____ USP Guidelines Section IV, items A-E, "Faculty Teaching Loads," which set forth the standard teaching load for USP faculty and conditions for releases.

Dr. Mack has conditioned approval of recent changes to the USP Guidelines on the elimination of those provisions. Dr. Mack is basing her demand for the elimination of the merit pay and workload provisions on the assertion that such provisions “are ordinary and customary functions of management therefore subject to OAA approval and not faculty decisions.”

Contrary to Dr. Mack’s assertion, workload and merit pay policies and practices are mandatory subjects of bargaining under PECBA, and therefore may not be changed unilaterally. Further, the workload and merit pay provisions at issue have been included in the USP Guidelines with University approval for many years, and those provisions set forth well-established policies and practices concerning the terms and conditions of employment of AAUP members that must be maintained pursuant to Article 8 of the CBA. The University’s attempt to eliminate unilaterally those policies and practices is a patent violation of Article 8.

The University’s attempt to eliminate the merit pay provision also violates CBA Article 14, which incorporates by reference the “Portland State University Policy and Procedures for the Evaluation of Faculty for Tenure, Promotions, and Merit Increases,” dated June 1 and 8, 2009 (P&T Guidelines), and prohibits unilateral changes to procedures established in University guidelines. Section VI (“Policies and Procedures on Merit Increases”) of the P&T Guidelines sets forth the procedure for establishing departmental procedures and criteria for merit pay increases, and specifically provides that “Departmental committees shall review, evaluate, and recommend redress of inequities in the same manner as other merit increases.” Because the P&T Guidelines authorize and direct departmental committees to consider and redress pay inequities, and the merit pay provision of the USP Guidelines implements that directive, the University may not unilaterally eliminate the merit pay provision and thereby divest the USP departmental committee of its authority to consider and redress pay inequities.

We therefore demand that the University cease any and all efforts to change unilaterally the Toulon School of Urban Studies and Planning’s long-standing workload and merit pay policies and practices (or any such long standing policies in any other units), and cease conditioning its approval of the USP Guidelines on the elimination of the workload and merit pay provisions that reference those policies and practices. While we hope that this matter can be resolved amicably and promptly through the expedited dispute resolution process, AAUP reserves the right to pursue unfair labor practice charges arising from the University’s conduct described herein.

Your prompt attention to this matter is deeply appreciated. Please have your representative contact me to arrange for a meeting pursuant to Article 7 (Consultation) & 28.

Sincerely,
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
PORTLAND STATE UNIVERSITY

A handwritten signature in black ink, appearing to read "Phil Lesch". The signature is written in a cursive style and is positioned above the typed name and title.

Phil Lesch
Executive Director

cc: (via email only)

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