



December 5, 2012

Dear President Zorn:

The Union would like to take this opportunity to clarify, once again, our position with respect to faculty petitions/requests for base hourly rate increases. As we have stated repeatedly, while our Collective Bargaining Agreement (CBA) does explicitly provide for faculty minimum (hourly) pay levels, it does not prevent CBU members from making individual petitions/requests for base hourly rate increases, and it does not, in any way, prevent the School from increasing any faculty member's base hourly rate at any time. To the contrary, it specifically states that the School alone will set individual faculty member base hourly rates, subject only to the aforementioned minimums:

Article 22.01 Base Rate and Compensation Ratio System

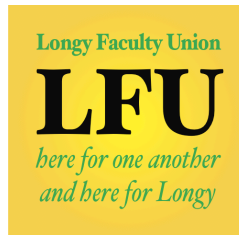
Each faculty member will be assigned a base hourly rate by the School.

Furthermore, the School has a longstanding practice of considering individual requests for base hourly rate increases and it regularly assigns base hourly rates to newly appointed faculty members.

The Union has reminded the School on several occasions, since the issue first arose, that CBU members are indeed free to petition/request for increases to their individual base hourly rates and the School is, of course, free to grant or not grant faculty members' requests.

We understand that the School has argued that should the School grant or deny a base hourly rate increase to a member, it could leave the School open to charges of favoritism, unilateral changes, or discrimination based on union membership. It is unfortunate that the School is continuing to blame the Union for the School's unwillingness to even consider granting deserving faculty individual base hourly rate increases.

As we have said in the past, should the School increase a faculty member's base hourly rate based on evidence of merit, it will not be the Union's intention to contest such an increase in a grievance or at the National Labor Relations Board as a unilateral change in terms and conditions of employment, because such an increase would not be a violation of the contract. It is not credible to use fear of a discrimination accusation as a reason not to consider individual teacher requests for base hourly rate increases. Further, it harms the School's ability to retain highly qualified faculty members who contribute so much to the School.



As you know, all actions taken by the School, whether about base hourly rate increases or any other term or condition of employment, requires that the School not discriminate based on gender, race, age and all other legally protected classes, and the School manages to regularly exercise its managerial discretion within these parameters.

We do not see why granting base hourly rate increases is any different than the other myriad ways that management exercises discretion. For example, the School assigns students to individual teachers rather than using a 'random lottery' system to avoid allegations of discrimination. Similarly, we expect the School's administration will evaluate individual teachers in their Faculty Evaluations based on the evaluator's judgment of the faculty member's teaching, and not based upon a fear of being accused of illegal discrimination.

We strongly encourage the School to revisit their viewpoint on this very important topic, and, going forward, to seriously consider all petitions/requests by faculty for base hourly rate increases. Faculty should be appropriately rewarded for characteristics such as excellence of instruction, continued dedication to their students, years of teaching experience, and loyalty to the School.

Sincerely,

Longy Faculty Union Executive Board