

The inception of collective bargaining in Kansas community colleges created considerable anxiety among administrators although most seem to accept bargaining as a reality.

The current status of collective bargaining in Kansas community colleges.

by Dennis Michaelis

As early as 1970, the Kansas legislature recognized the rights of certain professional employees in education to organize and negotiate. Known as the "Professional Collective Negotiation Act," the legislation affects community colleges as well as all school districts and area vocational-technical schools. The 1970 statute, 72-5414, states the right to organize and negotiate as follows:

Professional employees shall have the right to form, join or assist professional employees' organizations, to participate in professional negotiations with boards of education through representatives of their own choosing for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service. Professional employees shall also have the right to refrain from any or all of the foregoing activities. In professional negotiations under this act the board of education may be represented by an agent or committee designated by it.

In 1973, the Kansas Supreme Court in *National Education Association of Shawnee Mission, Inc., v. Board of Education of Shawnee Mission U.S.D. No. 512*, 212 Kan. 741 dealt with three aspects of the law with regard to the language "terms and conditions of professional services." These three areas included: (1) the duty to negotiate; (2) subjects of negotiation; and (3) the time for negotiations. Most significantly, the Court identified several items as negotiable subjects. This list has served as a guide for boards and faculty associations and includes:

Salaries and wages; hours and amounts of work; vacation allowance; holiday, sick and other leave; number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty and grievance procedure; probationary period; transfers; teacher appraisal procedure; disciplinary procedure; resignations and terminations of contracts and such other areas that directly or by implication involve these factors.

In the same case, the Court specifically excluded such things as "curriculum and materials, payroll mechanics, certification, class size use of para-professionals, the use and duties of substitute teachers and teachers ethics and academic freedom" from the list of negotiable items.

Chiefly in response to pressure from Kansas-National Education Association, the scope of the act was expanded in 1976. The 1976 legislature provided for procedural due process, and it has been from this point on that professional employees have increasingly moved to organize and negotiate.

To determine the current status of collective bargaining under the legislation specifically as relating to Kansas Community Colleges, a telephone survey was conducted in June and July of 1978. All 19 Kansas public community colleges were contacted and information was collected by visiting with administrators of each institution. The purpose of the survey was to determine data on the number of community colleges actually involved in collective bargaining and to find out who is doing the bargaining for boards and faculties. The survey intentionally omitted attitudinal questions concerning the bargaining process since only administrative personnel were contacted. (Refer to Figure 1 for specific information requested of each college.)

Two general observations can be made as a result of this survey: (1) the status of collective bargaining in Kansas public community colleges can still be considered in an early stage of development; and (2) there are enough colleges currently involved in bargaining to indicate that the process will eventually lead to increased use of collective bargaining in the Kansas community colleges.

Several aspects of response to the survey lead to the conclusion that collective bargaining is still in its initial stages. Only six of 19 community colleges describe themselves as being involved in full scale collective negotiations. This particular question was posed to respondents as being typified by formalized periodic meetings between representatives of board of trustees and faculty representative organizations. Of the remaining 13 colleges, four described the process at their institution as being a modified version of formalized negotiations, six colleges as being involved in a meet and confer situation, and two colleges as not being involved in negotiations at all. One college operates under a unilateral Board of

Trustees' offer to their faculty. Because only six of 19 colleges describe themselves as engaged in formalized bargaining, it leads one to conclude that not all faculties have thus far insisted upon utilization of K.S.A. Chapter 72, Article 54.

Further indication of bargaining's infancy is the fact that only four community colleges have selected an outside organization to represent them. The majority, 11 in all, of the faculties have chosen a local faculty association as their bargaining unit while four colleges at present have no formal unit formed. The conclusion, of course, is based on the idea that the selection of more formalized groups such as K-NEA, AAUP or AFT clearly indicates a more sophisticated, more serious approach to the bargaining concept by faculties.

The less adamant tone of collective bargaining in Kansas community colleges is further underscored by the fact that few boards and faculties have selected outside personnel to conduct the bargaining for them. It is in this vein, however, that an interesting difference occurs. Virtually none of the community college faculty organizations employ an outside negotiator to sit at the bargaining table. Sixteen of the faculty organizations are represented by faculty members from within the organization while three of the colleges have no representatives involved in the bargaining. On the other hand, three of the Boards of Trustees have employed an outside attorney experienced in collective bargaining and two Boards utilize local attorneys to conduct the negotiations. Although there is no overriding trend among the Boards, seven of them choose members of the local Board to conduct the negotiations. Of the other Boards, one is represented solely by an administrator, two colleges utilize a combination of administrators and Board members, and four of the community college Boards of Trustees have no negotiator designated. Although Boards appear to have moved toward a more advanced level of negotiation sooner than faculty groups, the relative status of negotiations in this respect must still be termed somewhat less than full scale bargaining.

The second observation of this article that more formalized negotiations is on the increase is more difficult to prove by the direct information collected in the telephone survey. However, it was clear in talking with the various administrators that the bargaining situation has become more adversarial in the past two or three years. Several of the administrators offered the opinion that their faculties would likely seek more formalized negotiations in the future. On the whole, these opinions were not necessarily taken negatively. As viewed by many community college administrators, collective negotiations is a fact of law and the adversarial aspect of the process can and should be minimized. The Professional Collective Negotiation Act and the Shawnee Mission case have done much to clarify the various issues and provide adequate machinery for a livable relationship.

Other information collected in the telephone survey should be of interest. Fully 15 of the colleges include department or division chairpersons and counselors in the bargaining units. Sixteen also include librarians while only one includes administrators and part time faculty. Three of the colleges have no bargaining unit. Another fact of interest is that 14 of the colleges had completed

negotiations by July 12, 1978, while four were still in various stages of the process. During the 1978 negotiations, two of the colleges had cases referred to the Public Employee Relations Board with one being satisfactorily concluded by the time of the survey.

The inception of collective bargaining in the Kansas community college has created considerable anxiety among administrators although most seem to accept bargaining as a reality. There exists a good deal of regret that "things can't be as they were" before the right to organize and negotiate were legislated. The feeling seems to be that bargaining creates another administrative headache for personnel already too busy. Certainly a tight economy and the prospect of decreasing enrollments will tend to accelerate the movement toward collective negotiations. The general tenor of those colleges not yet involved in bargaining was one of putting it off as long as possible.

It is safe to conclude that collective bargaining in Kansas public community colleges is here to stay. However, it is still in its infancy.

Figure 1

CURRENT STATUS OF COLLECTIVE BARGAINING IN KANSAS COMMUNITY COLLEGES

1. Name of community college _____
2. Name and title of respondent _____
3. Which description best explains the current status of professional negotiations at your institution?
 - _____ full scale collective bargaining (formalized, periodic meetings)
 - _____ modified version of formalized negotiations
 - _____ meet and confer
 - _____ automatic acceptance by faculty of board's offer
 - _____ other (specify) _____
4. How is the faculty collective bargaining unit comprised?
 - _____ local faculty association
 - _____ Kansas-Higher Education Association
 - _____ Other teacher's union, e.g., AFT, AAUP, etc.
 - _____ no formal unit
 - _____ other (specify) _____
5. Who negotiates for the Board of Trustees?
 - _____ member(s) of the Board of Trustees
 - _____ local attorney
 - _____ other person outside the institution (specify) _____
 - _____ college president
 - _____ other administrator (title) _____
6. Who negotiates for the faculty?
 - _____ faculty members(s)
 - _____ local attorney
 - _____ other person(s) outside the institution (specify) _____
7. Does the bargaining unit include:
 - _____ librarians
 - _____ counselors
 - _____ department chairpersons
 - _____ part time faculty
 - _____ other (specify) _____
8. Have you concluded negotiations for the 78-79 contract year?

| | |
|---------------------|----|
| YES | NO |
| If yes, when? _____ | |