FACT FINDING BETWEEN

University of New Hampshire Chapter of
The American Association of University Professors

And

University System of New Hampshire Board of Trustees
University of New Hampshire at Durham, NH

Factfinder:	Allan S. McCausland, Ph.D.
Hearing Dates by Zoom:	January 21 & 26, 2022
Hearing Closed:	April 1, 2022
Award Date:	May 2, 2022

APPEARANCES FOR THE UNION:

Michael Carter	**Lead Negotiator, Professor Emeritus, Engineering**
Glenn Milner, Esq.	**Attorney**
Cliff Brown	**Associate Professor, Sociology**
Siobhan Senier	**Professor & Chair, Women's & Gender Studies**
Deanna Wood	**Associate Professor Emerita, Library Admin.**
Carolyn Mebert	**Associate Professor Emerita, Psychology**
Sterling Tomellini	**Professor Emeritus, Chemistry**
Rudy Fichtenbaum	**Witness, Consultant on College & Univ. Finances**

APPEARANCES FOR THE EMPLOYER:

John Wallin	**Lead Negotiator, Assistant Provost, UNH**
Matt Newland	**Manager, Employment & Labor Relations, USNH**
MJ Shapiro	**USNH Human Resource**
Jim McGrail	**Chief Human Resource Office, USNH**
David Hoffman	**Witness, Partner, Brown & Brown**
Nicolai Adamski	**Witness, Managing Consultant, Brown & Brown**
Addison McGinnis	**Consultant, Brown & Brown**
Kim Jennison	**Benefits Manager, UNH**
Kathy Neils	**Chief Human Resource Officer, UNH**
Catherine Provencher	**Vice Chancellor of Financial Affairs, USNH**
Marcel Vernon	**Chief Financial Officer, UNH**
Kerry Scala	**Director of Central Finance, UNH**
Pelema Ellis	**Vice Provost, Enrollment, UNH**

The greatest journey anyone can take is to
see the world through the eyes of another.
Proust

Introduction

I want to acknowledge up front the frame of reference, or background, under which these negotiations have been taking place since February of 2020. The Parties have been, and are, facing some strong headwinds. On the one hand demographic forces are, and have been, pushing down the pool of potential students available to enter the University. This is making it very challenging for the University System of New Hampshire (USNH) and the University of New Hampshire at Durham (UNH) to meet their goals and budgets.

The Covid-19 pandemic in 2020, layered on top of the adverse demographic forces, exacerbated the adverse situation by negatively impacting enrollment and finances (University Exhibit 8). However, it is important to note that the Covid situation has improved with the availability of vaccines. The situation regarding Covid-19 has improved substantially since February of 2020 when negotiations for this Collective Bargaining Agreement began.

The recent surge in inflation to the highest level in forty years is another strong headwind. Inflation is, and has been, eroding the purchasing power of both University tuition and resident dollars, as well Faculty salaries. The fact that Faculty salaries have not been raised since July 1, 2019 (almost 3 years), compounds the problem for Faculty and the University. Having acknowledged the foregoing frame of reference/background for these negotiations up front, I will turn to the issues.

The Parties have submitted issues in three areas in this Fact Finding: Salaries, Health Insurance and Benefits. The Parties have been negotiating this Collective Bargaining Agreement for over two years now and have heard the arguments many times. I shall not take the time and expense to belabor these issues by rehashing all the arguments of the Parties in their entirety. I will give the rationale behind each of my recommendations. The following deals with each issue that was presented at the Fact Finding Hearings.

Each Party is going to find recommendations in this Report that they are going to want to reject, as well as those they will want to accept. I would like to stress that this Report should be taken as a balanced whole. The weight of the recommendations has been based on the evidence and testimony presented.

Issue #1--Article 16, **Salary**

Initiated by Association

Recommendation:

Salary Increases:

--- 2% upon signing of the Collective Bargaining Agreement
--- FY 2023: 2% on 7/1/2022 and 2% on 1/1/2023
--- FY 2024: 2% on 7/1/2023 and 2% on 1/1/2024

Rationale:

The Parties did not put forth a proposal for FY2024 (7/1/23-6/30/24). I have proposed the additional year (FY2024) to give the Parties a little respite from bargaining and allow time to see how the University's Pro Forma projections for FY2022 through FY2024 end up comparing to the actual enrollments and finances achieved (University Exhibit 8). I have split the salary increases for FY2023 and FY2024 into two six month increases to help with the University's cashflow. The 2% signing raise plus the two split 2% raises for FY2023 combined are less than what the rate of inflation was for calendar year 2021, and less than the current rate of inflation. These salary increases are also meant to help to offset the increased costs to Faculty of the changes in Faculty health insurance recommended below.

There is no back pay per se, but 2% at signing and the increases for the two years should allow the University to stay competitive with the regional comparator group of eight universities, and help the Faculty catch up on their costs. Based on FY2021 the University salaries were competitive within the comparator group; but by no means the strongest; full professor salaries in particular are barely competitive (AAUP Exhibit 1). I did not find the comparator group of thirty-one universities spread across the country from coast to coast to be of much help. Especially given the University's prestigious classification as a Carnegie Foundation R1 (Very High Research Activity) institution. It was not made clear how many of the 31 universities in that comparator group are

Carnegie Foundation R1 research institutions. The University Faculty's research is an important source of external grant dollars, and recognition, for the University.

Based on University Exhibits 8, 9 and 10, and the testimony of University personnel, Catherine Provencher, Marcel Vernon, Kerry Scala and Pelema Ellis, the University is in a stable to improving condition with a strong balance sheet. The testimony and evidence indicate that the University receives a low level of financial aid from the State of New Hampshire compared to most of the comparator group universities.

University undergraduate applications increased by a little over 7% to 20,151 in the Fall of 2021, the highest in a decade. Enrollment also increased in the Fall of 2021 for the first time since the Covid-19 pandemic. However, enrollment is still down from years prior to the Covid-19 pandemic (University Exhibit 10, p.3). Pelema Ellis, Vice Provost for Enrollment at the University, testified that the increase in enrollment in the Fall of 2021 required an increase in student financial aid. Overall, the University and University System Administrations appear to be doing a good job handling a difficult situation.

The University objected to Dr. Rudy Fichtenbaum's report being submitted into evidence by the Association (AAUP-UNH Exhibit 6). I find no reason to exclude Dr. Fichtenbaum's report. I reviewed the Report and found it interesting and thorough. Not surprisingly, I have spent more time with the University's financial documents and witnesses. However, it is worth noting that Dr. Fichtenbaum and Marcel Vernon, Chief Financial Officer for the University, both testified that over time the attrition of senior, higher paid, faculty will help alleviate some of the financial burdens caused by the declining pool of potential incoming students. The Covid Enhanced Retirement Program (CERP) that the Parties agreed to in July 2020 and was available only for the Academic Year 2020-2021 for certain age bracketed Faculty, helped move the attrition process along and should help strengthen finances going forward.

The University did not propose any continuing salary increases. University Faculty salaries were last raised in July 2019, almost three years ago. The Association is sustained in its argument that given the current state of the economy—a low unemployment rate, rising wages, New Hampshire's relatively high median household income, and the uptick in inflation since July 2019—Faculty salaries should not continue to be frozen.

Salary Floors:

A 1.8% Increase per Fiscal Year for FY2023 and FY2024

Rank	Acad. Yr. Appt. FY2023	Fiscal Yr. Appt. Fy2023
Asst.	$71,900	$83,420
Assoc.	$84,260	$97,540
Prof.	$106,950	$124,070

Rank	Acad. Yr. Appt. FY2024	Fiscal Yr. Appt. Fy2024
Asst.	$73,194	$84,922
Assoc.	$85,777	$99,296
Prof.	$108,875	$126,303

Rationale:

The Salary Floor for FY2023 (7/1/22) is based on the Association's proposal. It is calculated by using a 1.8% increase per year from FY2020 Salary Floor. The Salary Floor for FY2024 represents a 1.8% increase over FY2023. The 1.8% Salary Floor increases recommended here are less than the 2% Salary Floor increases in the Keene State College Collective Bargaining Agreement running through FY2025.

The University proposed to decrease the salary floors for FY2022 and Fy2023 from what they were in FY2020 (July 2019-June 2020). The evidence and testimony presented do not justify a roll back or freeze in the salary floors. Economic and employment circumstances have shifted a lot since the beginning of negotiations for this Collective Bargaining Agreement in February of 2020, which coincided with the onslaught of the pandemic in the winter/spring of 2020.

Promotion Increases:

Rank	AY Appt. FY2023	FY Appt. Fy2024
Inst. to Asst.	$4,404	$4,492
Asst. to Assoc.	$6,155	$6,278
Assoc. to Full Prof.	$7,895	$8,053

Rationale:

The Promotion Increases for FY2023 and FY2024 are calculated by increasing the promotion increases by 2% per year from FY2020. The 2% increase per year is based on the annual percent increase applied to promotion increases in the Parties' previous Collective Bargaining Agreement (JX1), Article 16.1.1, page 23, for FY2016 through FY2020. There is insufficient evidence or testimony to role back or freeze promotion increases.

Issue #2--Article 18, Overload, Summer Compensation and J-Term:

Initiated by the Association

Recommendation:

Rank	Summer 2022	Summer 2023	Summer 2024
Full Prof.	$10,249	$10,434	$10,622
Assoc. Prof.	$8,388	$8,539	$8,693
Asst. Prof.	$7,258	$7389	$7,522
Instructor	$ 6,393	$ 6,508	$6,625

Faculty teaching independent study courses shall be compensated at the rate of $160 per credit; faculty teaching Applied Music courses shall be compensated at the rate of $215 per credit. I have no recommendation on compensation for the J-Term.

Rationale:

The Overload and Summer Compensation above is determined by applying a 1.8% increase per year from the Summer of 2020 through the Summers of 2022, 2023 & 2024. The 1.8% increase is based on the annual percent increase applied to summer teaching compensation in the Parties' previous Collective Bargaining Agreement (JX1), Article 18.1, page 36, for the summers 2016 through 2020. There is insufficient evidence or testimony to warrant freezing Overload or Summer Compensation increases. There was insufficient testimony and evidence for me to make any recommendation on "J-term" compensation.

Issue #3--Article 17, Benefits

Initiated by the Association and the University

The Parties have presented evidence and testimony regarding changes in Faculty Medical Insurance, Faculty Leaves, and University Retirement Contributions. Each area is dealt with below.

Faculty Medical Insurance:

Recommendation:

Effective for plan year 2023: Faculty should adopt the University System's new medical plan; the same plan recently adopted by Plymouth State University and Keene State College faculty. The Faculty's share of premiums will be:

Plan Year 2023	EE	EE+S	EE+C	EE+F
High Option 1000/2000	11.5%	15.5%	15.5%	19.5%
Mid Option 300/600	14.5%	18.5%	18.5%	22.0%
OAP HSA	6.5%	10.5%	10.5%	14.5%
Employer HSA $ Contribution	$750	$1,500	$1,500	$1,500

Plan Year 2024	EE	EE+S	EE+C	EE+F
High Option 1000/2000	12.0%	16.0%	16.0%	20.0%
Mid Option 300/600	15.0%	19.0%	19.0%	22.5%
OAP HSA	7.0%	11.0%	11.0%	15.0%
Employer HSA $ Contribution	$850	$1,600	$1,600	$1,600

Rationale:

The Medical Plans and Premiums recommended here are identical to the Medical Plans and Premium sharing percentages in the Plymouth State University's and the Keene State College's Collective Bargaining Agreements. This recommendation should continue to keep the University competitive with the comparator group of universities agreed to by the Parties (JX 8).

The changes recommended here are meant to help the University System save money and streamline the administration of health care insurance by having the same health care insurance in the three institutions. Testimony and evidence indicate that the demographic headwinds the University is facing are going to continue through this decade, and get worse in 2026 and beyond. It is not too early to be getting prepared for the future challenges. The Faculty concessions recommended here on medical insurance plans and premiums will increase Faculty out of pocket costs. The recommendations are tied to the salary increases recommended above, and no further roll back in benefits.

Parental Leave: Section: 17.4.3.2

Recommendation:

Increase the Parental Leave to one full semester for AY Faculty and fifteen (15) weeks for FY Faculty. Faculty may choose the semester prior to, concurrent with, or after the birth/placement of an adopted child age sixteen (16) years or younger.

Rationale:

The only change being recommended is to increase the parental leave from twelve (12) weeks to one full semester for AY Faculty and fifteen (15) weeks for FY Faculty, along with allowing the Faculty member a choice as to which semester to take the leave. Parental leave will continue to use accumulated sick leave first.

Testimony and exhibits discussed the unintended inequities and problems that arise by forcing parental leave to be taken at certain times, regardless of the time of year or timing within a semester. Testimony and exhibits indicate that inequities regarding the benefit of the leave arise primarily for faculty, female faculty in particular, depending on the timing of the birth or adoption (AAUP-UNH Exhibits 3A2 & 3A3). Giving the leave taker a choice of timing of the leave will alleviate some of the inequities. Testimony and exhibits also indicate that problems arise for Deans, Department Chairs, Faculty, and students when leaves mandatorily begin or end during a semester; thereby forcing changes in course instructors during the semester. This change to a semester leave policy for Parental Leave will alleviate a lot of these problems.

Sick Leave, Bereavement Leave, and Short Term Disability Leave

Recommendation:

No change from the current Collective Bargaining Agreement language is recommended for any of these benefits.

Rationale:

The changes asked for by the University under its "UTime" program have merit and the presentation was thorough. However, the integration/linking of these benefits, including the elimination/change of some existing benefits, into an integrated program raises a lot of questions and possible ramifications. Questions I do not have all the answers to, nor do I know all the ramifications of the changes. These types of changes are best done through direct negotiations between the Parties.

Retirement

Recommendation:

No change from the current Collective Bargaining Agreement language is recommended for the 403(b) Faculty retirement benefit.

Rationale:

There is insufficient evidence or testimony to warrant reducing the Faculty 403(b) retirement benefit as proposed by the University.

Regressive Bargaining

The University in its closing brief asked that I address charges that it was guilty of "regressive bargaining." Regressive bargaining occurs when one of the Parties intentionally, and without justification, puts forth a proposal in bargaining that is "regressive." A regressive proposal is a proposal by one of the Parties that offers the other Party less of a concession or benefit than their previous proposal did. They are essentially starting to go backwards without any justification. The Association stated in its closing rebuttal brief that they "…never framed the University's bargaining proposals as moving backward during negotiations,…."

I did not see evidence of regressive bargaining in the record or during the Fact Finding process by either Party. The Parties have been negotiating for this Collective Bargaining Agreement for over two years in a very difficult environment. Two years in which circumstances in our society and economy have shifted dramatically at times. It should not be surprising that bargaining positions may shift during prolonged negotiations, especially in these relatively tumultuous times. But one should not mistake "hard" bargaining, including consistent negotiating positions that attempt to remove or change items in the current Collective Bargaining Agreement, for "regressive" bargaining. Rather than seeing regressive bargaining, I have been impressed by the professionalism of the Parties, and the courtesy and cooperation they often showed each other, despite some "hard" bargaining.

The foregoing outlines my recommendations to the Parties on the outstanding issues presented at the Fact Finding Hearings and in the briefs. I will close by emphasizing that the recommendations should be taken as a package. Best of Luck!

Respectfully submitted,

A signed copy of this Award was sent by certified mail on May 2, 2022, to John Wallin, Assistant Provost, UNH, for the University System; and to Michael Carter, Ph.D., for the UNH chapter of AAUP.

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Allan S. McCausland, Ph.D.
May 2, 2022