

NCHE News

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PRESIDENT'S MESSAGE: AN ERA OF INSTABILITY



NEA and its members are in an unprecedented struggle. NEA has mustered its talent and strength around its organizational goals for promoting strong state affiliates and great public schools and applied its research, policy, organizing, advocacy and outreach, communication, business operations and governance to promote an organization of strength

State affiliates and state locals have been in the same situation of varying degrees of survival. Political, economic education, and technological forces continue to challenge NEA and its affiliates with legislative initiatives aimed at banning payroll deduction, restricting collective bargain statutes, increasing pension liabilities, "Education Reforms," which deny values we stand for, local flip-flopping of governors and legislative majorities, to name a few.

NEA continues to focus on improving the quality of the education through professional organizing, promoting membership engagement, maintaining data and technology systems, promoting leadership development, maintaining legal support and support to affiliates, and battling insidious organizations who paint unions as an impediment to change. Finally, NEA continues to provide leadership opportunities, focused member empowerment, cultivation of partnerships coupled with strong research and messaging for student success.

So where is higher education with its huge potential for organizing gains? Higher education continues with modest gains, but full potential has yet to be realized. The recent reorganization within NEA has the former higher education staff redistributed throughout the organizational structure. It could be argued that higher education has greater visibility within NEA, but efficiency is still an arguable point. Outside-NEA visibility is a different matter. Although the restructuring shows promise, higher education still lacks a central point in the departmental structure. A national higher education NEA message is in the works although there is not one in place at present so the visibility continues to be a struggle with various support issues, but a new alignment indicates promise. There is a great need for an ongoing tracking system of federal and state higher education issues with appropriate research, messaging and talking points, and, where appropriate, tool kit development, either emanating from NEA or modeling best practices.

NCHE, however, continues to advocate for higher education within NEA. NCHE identifies and lobbies for priorities and concerns of higher education members to NEA. NCHE monitors NEA'S work and allocation of resources for higher education and advises NEA leaders. NCHE continues to promote academic justice and excellence and continues to promote the NEA as the national voice of higher education employees. It is now time within the new organizational structure to become more pointed and concrete with how NEA and higher education are inextricably linked.

This issue provides a look into three major areas affecting NEA members, especially our adjuncts and all members working in teacher preparation programs. Please make every effort to pass this information on to your members.

Thank you for your support in these complicated and difficult times.

NEA Joint Conference on Concerns of Minorities and Women
Atlanta Marriott Marquis June 29-30, 2013

Registration on line only at www.nea.org/jointconference beginning April 1, 2013.

Early registration deadline- May 10, 2013 Registration deadline - May 17, 2013

Checks for registrations must be postmarked no later than May 6, 2013.

PROPOSED CAEP STANDARDS OPEN FOR COMMENT

A merger of the Teacher Education Accreditation Council (TEAC) and the National Council for the Accreditation of Teacher Education (NCATE) has produced a new, sole accreditor for teacher preparation in the United States, the Council for the Accreditation of Educator Preparation (CAEP).

Becky Pringle, the NEA Secretary/Treasurer has been a member of the CAEP Commission on Standards and Performance Reporting. The CAEP Commission, comprised of 41 officials representing a wide range of diverse stakeholders, was charged with developing the next generation of accreditation standards for all teacher preparation providers. The goal: to further increase the quality of the preparation of teachers by focusing on the evidence, continuous improvement, innovation, and clinical practices of providers.

The opportunity for all employees in the teacher preparation field should go online to read and comment on the proposed standards. **Comment**

period is open until March 29 at <http://standards.caepnet.org>.

A letter from Secretary/Treasurer Pringle states, “This standards review process provides an opportunity for teachers’ voices to be heard in order to impact the way in which teacher candidates enter our profession. Our profession is often criticized for allowing individuals into teaching who should have been counseled out before they became the sole adult responsible for student learning. Participating in a standards setting process for profession entry shows the world that the NEA and its members believe how important it is that every candidate be prepared to teach from their first day of responsibly for students.”

After receiving all public comments, the CAEP Commission will meet again in May to make final standards recommendations and the final standards will be released this summer. If you have any questions, contact Becky or NEA Teacher Quality staff member Ann Nutter Coffman, (acoffman@nea.org) who has worked with Becky throughout this process.

NEA CONTINGENT FACULTY AND THE AFFORDABLE CARE ACT

How will contingent faculty workloads be calculated under the Affordable Care Act implementation hits in 2014? Starting in 2014, the Affordable Care Act penalizes employers (with at least 50 employees) who do not offer health coverage to “full-time” employees, and full-time is defined as someone working at least 30 hours per week on average.

Therein lies the crux of the problem: how the Treasury wants to calculate work time of these employees, and this question weighing heavily on thousands of our NEA members in all our institutions, but it is especially affecting the higher education faculty and staff who are not full-time tenure-track employees. The ramifications of the implementation of this act: reduction in their classes they teach and workloads overall, resulting, of course, in sharp reduction in their income.

The NEA, along with many unions, organizations, and members in higher education has been submitting their concerns and suggestions to the U.S. Treasury. Numerous examples abound with institutions notifying adjuncts that their course loads are being reduced.

Defining “full time”

Starting in 2014, the Affordable Care Act levies penalties against large employers (those with at least 50 employees) that do not offer affordable health coverage to their full-time employees. The law defines a full-time employee as one who works at least 30 hours per week on average. Though the law cannot supersede collective bargaining agreements, many agreements may not have explicitly stated course loads, thereby giving institutions leeway to cap teaching loads.

President Dennis Van Roekel’s responded to a request from NCHE President Jim Rice as to the status of NEA’s position and response to the U.S. Treasury.

Attention:

All Teacher Preparation Staff

Weigh in on the proposed accreditation standards from the CAEP Commission

at

<http://standards.caepnet.org>

NEA SEEKS U.S. DOL UNEMPLOYMENT INSURANCE CLARIFICATION

NEA President Dennis Van Roekel, on behalf of NEA adjunct members, wrote to the Department of Labor seeking additional guidance on the law that first brought higher education faculty within the unemployment insurance program in the Employment Security Amendments of 1970, which required states to provide coverage to persons working in certain non-profit institutions and to professionals working in public colleges and universities. The letter is 11 pages and very detailed, so what follows is a brief excerpt (without the notational breaks for spacing purposes). The complete letter will be posted on the higher education page at <http://www.nea.org/home/1602.htm> for those locals interested in the background and the proposed recommended changes.

“... [Please] clarify its [DOL] guidance to state employment security agencies regarding the interpretation of the phrase “reasonable assurance of employment” as used in the “within and between denial” provisions of Section 3304(a)(6)(A) of the Federal Unemployment Tax Act (“FUTA”).

To place this issue in its proper context, it is important to point out that the landscape of academic employment has been in a process of dramatic change in the decades following the Department’s issuance of guidance on “reasonable assurance.” Since the mid to late 1970s, higher education institutions have moved away from the tenure system—characterized by full-time salaried employment and stable career paths leading to the relative job security of tenured status—as the primary model for academic employment and towards a structure that relies heavily on the employment of education professionals on a contingent basis. The studies all demonstrate a marked and accelerating increase in the proportion of faculty appointed on a contingent basis in colleges and universities and a corresponding decrease in the proportion of tenured or tenure-eligible faculty.¹ Indeed, the data point to a complete inversion of the employment patterns that obtained in higher education during the mid-1970s.

Such inconsistency in the administration of unemployment insurance benefits with respect to contingent faculty cries out for clarification.

Proposed Revisions to UIPL 04-87

We submit that in light of the Department’s definition of “reasonable assurance” as “a written, oral, or implied agreement that the employee *will perform services* in the same or similar capacity during the ensuing academic year, term, or remainder of a term”—and its appropriate placing of the burden on employers to demonstrate that such an agreement exists—the only appropriate approach to the question of contingent employment offers in the higher education setting is one in line with that taken by the legislatures of California and Washington. Specifically, where an education professional who is not tenured or working in a tenure-track position on an annual salary basis is offered employment for an upcoming term, and that offer is contingent on enrollment, funding, program changes or other factors outside the employee’s control, there should be a presumption that the offer does not constitute “reasonable assurance” that can only be rebutted by a strong showing by the employer that there is a high likelihood of re-employment.

Accordingly, we request that the Department **issue new guidance** that restates UIPL 04-87 with the following additions.

Add the following two principles after principle “c.:

- Individuals who have achieved tenure or who work in tenure-track positions on an annual salary basis are presumed to have reasonable assurance, unless there is evidence showing that the individual’s employment will not continue in the next relevant term.
- Individuals who are not tenured and do not work in tenure-track positions on an annual salary basis, and who receive an offer of employment that is conditioned on enrollment, funding, program changes, or other factors outside of the individual’s control, are presumed not [to] have reasonable assurance.

NEA submits that the issuance of revised guidance along the lines specified above is necessary both to resolve inconsistencies in states’ application of the “reasonable assurance” standard in the context of contingent employment offers to contingent faculty and to remain true to the text of the reasonable assurance provision and the Department’s previous guidance.”

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NEA CONTINGENT FACULTY AND THE AFFORDABLE CARE ACT

“... As you know, the health care specialists in NEA’s Collective Bargaining and Member Advocacy Department (CBMA) have been working with state affiliates on how to address concerns related to contingent faculty members’ course loads in relation to the ACA. On Friday, Joel Solomon and Carol Malone from the department spent a very productive hour talking with Bill Silver about this issue. Carol and Joel will both present (via video) at the higher education conference in Portland next month, and, in April, Joel will be presenting at the New York City conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions. In addition, they will continue to make themselves available as necessary to help affiliates think this through. Given the highly complex nature of this issue, and the fact that the appropriate responses by affiliates will be situation-specific, the department believes that interactive sessions are crucial for helping states identify the best response. That said, I understand from CBMA that they are close to finalizing materials to help affiliates.”

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