

**BSU FEDERATION OF TEACHERS
AFT LOCAL 3537 MINUTES
September 18, 2009**

The following union members were present: (Members may see Secretary Treasurer Lynn Lubamersky for a list of those present)

Local President (Pro-Tem) Lynn Lubamersky called the meeting to order at 12:30 pm in the History Department conference room (L194).

Elections:

Elections were held for the Executive Committee. Lynn Lubamersky, Barton Barbour, and Bob McCarl were elected for the standard two-year term ending in April 2011. Members present voted via a show of hands.

2008-2009 Budget Audit

Treasurer Lynn Lubamersky distributed a copy of the previous year's budget for the members' examination. The budget audit was sent to the AFT to ensure that our local is in compliance.

New furlough language in the 2009-2010 contracts

Members discussed the fact that this year's contracts contained the following new language: "Matters of duty assignments, FTE status, work hours and all similar and related work place decisions remain the prerogative of the President of the University. Accordingly, during the term of this appointment, the University reserves the right to take actions to adjust any of the foregoing across the entire institution or across budgetary units in a manner not tantamount to termination of the contract or dismissal of the employee. The University, in the exercise of the fiscal management discretion vested in the President by the State Board of Education, also reserves the right to impose mandatory furloughs (leave without pay) during the contract term in financial conditions less than a declared financial exigency. Thirty (30) days advance notice of scheduled furloughs will be provided by the University."

Members examined a legal opinion drafted this summer by the law firm of Camacho Mendoza Coulter (See <http://www.cmclawgroup.com>) on the topic of the furlough language above. The memo stated that this contract language is in violation of State Board policy requiring a fiscal exigency for such furloughs to take place. In addition, faculty members on nine month contracts were not offered new contracts to sign as an indication that they agreed to the new terms of the contract. Members debated this issue and concluded that they had enough information to vote on the proposal to seek a declaratory judgment requesting the decision of a court over whether they are currently working under a valid contract. Members voted by secret ballot. They were asked to write YES they agreed to pursue legal action or NO that they did not agree. Members voted unanimously to pursue legal action and a declaratory judgment on this issue.

Meeting adjourned at 1:30pm