

AUGUST 2, 2013

Kansas Board of Regents

2013-2014
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Kenny Wilk, Vice Chair

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FORESIGHT 2020

A Strategic Agenda for the State's Public Higher Education System

1. Increase higher education attainment among Kansas citizens
2. Improve alignment of the state's higher education system with the needs of the economy
3. Ensure state university excellence

MEETING AGENDA

A speaker telephone will be available in the Board Office, Suite 520 at the Curtis State Office Building (1000 SW Jackson) in Topeka, Kansas.

Friday, August 2, 2013

- I. Call To Order** Regent Logan, Chair

- II. Consideration of Discussion Agenda**
 - A. *Other Matters*
 - 1. Act on Proposed Amendments to Memorandum of Agreement with PSU/KNEA – PSU Theresa Schwarz, Associate General Counsel *p. 2*

- III. Adjournment**

DISCUSSION AGENDA

II. Consideration of Discussion Agenda

A. Other Matters

1. **Act on Proposed Amendments to Memorandum of Agreement with PSU/KNEA – PSU** **Theresa Schwarz,
Associate General Counsel**

Summary and Staff Recommendation

PSU proposes that the Kansas Board of Regents approve and execute the Amendments to a Memorandum of Agreement between Pittsburg State University (PSU), the Kansas Board of Regents and the Pittsburg State University chapter of the Kansas National Education Association (KNEA) for FY 2014. As allowed by the Agreement and in compliance with state law concerning negotiations with represented employee groups, PSU and KNEA have met and conferred and reached agreement on proposed amendments to the Agreement. The two proposed changes to the existing Agreement are to the Salaries and Duration articles. Board staff has reviewed the proposed amendments for compliance with Board policy as well as state and federal law. Staff recommends approval of the Amendments and granting the Chair authority to execute the Agreement.

Background

The Public Employer-Employee Relations Act (PEERA) (pursuant to which State agencies are required to meet and confer with their employees' recognized bargaining units over terms and conditions of employment) first took effect in 1972¹ In 1974, the Kansas Public Employee Relations Board (PERB) certified the Kansas National Education Association (KNEA) as the exclusive representative under the Act for the purpose of meeting and conferring on behalf of faculty at Pittsburg State University (PSU). In 1983, the Kansas Supreme Court held that KBOR is the employer of PSU faculty as well as the appropriate governing body for purposes of PEERA and therefore "must approve any proposed agreement in order to make it binding and effective." Thus, for many years, the Kansas Board of Regents has performed the role of approving agreements that are negotiated between the University and the certified faculty representative, after they have completed the meet and confer process.

In 2011, PSU and PSU/KNEA reached a three-year Memorandum of Agreement (Agreement), which concludes at the end of fiscal year 2014. The Agreement provided for an automatic opener each year for salary only. As provided for in the Agreement and as required by the PEERA, PSU and PSU/KNEA have now completed the meet and confer process over the salary article of the agreement and offer the below agreed-to amendments to the Board for consideration and approval.

NEGOTIATED AMENDMENTS TO THE PSU/KNEA AND PSU/KBOR AGREEMENT²

IV. SALARIES [page 4 of the amended Agreement]

A. FY 2014

For the ~~2012-2013~~ 2013-2014 academic year, it is agreed by and between the parties that those faculty salary funds for faculty included in the Meet and Confer Unit ("Unit") shall be divided in the following proportions:

¹ *Kansas Board of Regents and Pittsburg State University v. Pittsburg State University Chapter of KNEA and PEERB*, 233 Kan. 801, 812 (1983).

² Actual language copied directly from the Amendments to the Agreement; Section IV.B is unchanged and has been omitted solely for space considerations.

Base Salary Total	\$14,091,801	\$14,588,976 ³
Sum of Adjustments ⁴	\$357,526	\$235,983
Merit Increment Total	0	0
Grievance Fund	0	0
TOTAL	\$14,449,327	\$14,824,959
Summer Session 2013 2014	\$1,132,270	\$ 1, 197,713

XXVII. DURATION [page 77 of the amended Agreement]

Sections IV.A. and IV.B. of this Agreement shall be effective from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014. All remaining portions of this Agreement shall be effective from July 1, 2011 through June 30, 2014.

If this Agreement contains any unlawful provisions, those provisions shall be deemed to be of no effect and stricken from this Agreement without affecting the binding force of the Agreement as it shall remain after omitting such provisions.

Conclusion and Recommendation

Pittsburg State University requests that the Board enter into and approve the amendments to the Agreement reached through meet and confer processes. Board staff have reviewed the amendments, determined that they are consistent with Board Policy and do not violate state or federal laws. Staff therefore recommends that the Board approve the amendments and authorize the Chair to execute the Amended Agreement on behalf of the Board.

III. Adjournment

³ The information that is stricken reflects the numbers from the prior fiscal year.

⁴ Of this amount, \$49,000 shall be used to fund promotions, \$35,000 shall be used for salary adjustments, and \$4,000 shall be distributed in the form of a \$200 overall salary increase to each unit member who achieved an overall annual performance appraisal rating of Exceptional from the 2012 review period. The remaining \$147,983 shall be distributed in the form of an overall salary increase of two percent to each unit member who was a benefits eligible employee in fiscal year 2013 commencing in January 2014.