



UNION OF RUTGERS ADMINISTRATORS
AMERICAN FEDERATION OF TEACHERS · LOCAL 1766 · AFL-CIO

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Union of Rutgers Administrators - American Federation of Teachers Recommendations for URA-AFT Members about Potential Rutgers AAUP-AFT Strike

We are actively bargaining for a fair contract and need the majority of our members to participate in our escalating actions to achieve that ultimate goal. URA members have not authorized a strike action. Therefore, our union has not committed to a sympathy strike if the AAUP decides to take a strike action.

We are supportive of our sibling unions' actions. This includes walking their picket lines and attending rallies outside of our work hours, including before, after, and during our unpaid lunch time.

For members who work in academic departments, the best way to support the AAUP work stoppage, is working to rule: do not take on any of your AAUP colleagues' work outside of your regular duties and responsibilities. Their absence must be felt by Rutgers in order for their strike to be effective.

Here are the articles in the URA-Rutgers Agreement that might be used to provide protection for URA members who take individual action to honor picket lines in the event of an AAUP strike.

Article 3 – Administrative Leave

Administrative leave shall be granted by Rutgers University upon request of the employee and shall be scheduled in advance provided the request can be granted without interference with the proper discharge of the work in the work unit involved. Requests for such leave shall not be unreasonably denied. Administrative leave may be used for personal business, including emergencies and religious observances.

Article 22 – Leave of Absence for Personal Reasons

If an employee is confronted with a situation of unusual circumstances, a request for a leave of absence without salary for personal reasons will be considered by the university. The maximum number of days available for such a leave is thirty (30) days in a fiscal year. A request for such a leave must be submitted in writing to the administrative supervisor or department head concerned. Such leave request shall not be unreasonably denied.

There is not a lot of history on this article. It is usually used with substantial advance notice. It is possible that some supervisors will agree to unpaid leave for purposes of not crossing a picket line, and equally likely that others will not, and that unit HR administrators will resist the granting of leave for personal reasons.

Article 44 – Sick Leave

Sick leave is defined as a necessary period of absence because of the employee's own illness or for exposure of the employee to contagious disease.

It is not normally necessary to submit a health care provider's note unless the department has previously told the employee that there are concerns with misuse of sick time.

Employees who wish to use sick time for a scheduled medical visit, however, may be asked to provide proof of their appointment:

Sick leave may also be used for pre-planned medical and dental appointments provided that the employee submits a request as soon as is practical with the expectation that the employee shall provide at least one week's notice if possible.

Rutgers may deny sick pay or take disciplinary action if there is evidence that an employee abused sick time, and was not really sick or attending a sick family member.

Employees are expected to notify their supervisor preferably by telephone at least fifteen (15) minutes before their scheduled start time on the work day on which sick leave is used and to keep the supervisor adequately informed should the absence extend beyond one day.

Article 54 – Vacation

This article references University Policy 60.3.10, which states that vacation must be pre-approved by the department, and is subject to the department's scheduling needs.

Article 59 – Telecommuting

For employees who have remote work agreements under the 2018-2022 contract, not the FlexWork@RU Pilot Program, if the department were to revoke or modify the individual's telecommuting agreement as a result of a faculty job action, we would have an ability to challenge that action.

Remote work

Since remote work does not involve any work stoppage, departments may be willing to extend or flex WFH schedules for employees who don't want to "cross a picket line" physically. However, since the current remote work temporary policy is not negotiated, it is hard to predict how it will be used.

Article 19 – Just Cause/Discipline

No employee shall be discharged, suspended, disciplined or receive a deficiency downgrade except for just cause.

Article 14 – Grievance Procedure

If members call out of work for a day or multiple days due to an AAUP strike, we should assume that some or all will receive disciplinary action. We can file grievances against any such action and argue that there is no 'just cause'. Those will be fact-sensitive cases – is there a prior disciplinary record? Etc. If there is a university or campus-wide directive from management that results in discipline, we would try to consolidate those cases, negotiate withdrawal of the action, or defend the employees in a discipline arbitration.

Conclusion

Whatever members decide about attending work on a day if AAUP strikes, they should be sure to inform the department prior to the start of work. A no-call, no-show is likely to result in discipline immediately, and will be much harder to mitigate, than, say an allegation that a member falsely used a sick day, or called out for an emergency which the department says was not an emergency.

We don't know if, when, or for how long any strike would be; we can't predict the severity of management's reaction to our members staying out. And we don't know what AAUP will do if Rutgers management obtains an injunction to stop a strike. We certainly do not want our members hauled into court. It seems that would be extreme, but we know that Rutgers management considers themselves untouchable.