

February 20, 2017

Testimony in Opposition of SB 596 – An Act Concerning the Definition of
Managerial Employee

Senator Gomes, Senator Miner, Representative Porter, Senator McLachlan, Senator Osten, Representative Paolillo, Representative Bocchino, and members of the Labor and Public Employees Committee.

My name is Michael Bailey, Executive Director of the University of Connecticut American Association of University Professors (UConn-AAAUP). UConn-AAAUP is the collective bargaining agent of the 2300 faculty at the Storrs and Regional Campuses of UCONN.

I am writing in opposition to SB 596 – An Act Concerning the Definition of Managerial Employee.

Legislators in many states have submitted legislation to change their states public sector collective bargaining laws to re-classify faculty members as managers and thus exempt them from collective bargaining. They model language based on the U.S. Supreme Court case *NLRB v. Yeshiva*, which held that private university faculty are classified as managers due to their involvement in decision-making at the University.

One of the pitfalls that other states have encountered with such a broad definition is that not all faculty members have the same level of participation within the University. For instance, faculty members at one college or university participate more in decision-making than others. There would be much challenge to the definition absent an analysis of each faculty member's role and responsibility at their institution.

Their level of participation is also voluntary in most cases. A service responsibility requires faculty to attend meetings, participate on committees, or use their expertise to advise on policies. But the amount of participation and level of importance with the institutions varies greatly.

We have found over the past 35 years of collective bargaining for faculty at public colleges and universities is that through negotiations, faculty are consulted and have input into the operations and academic life of the university. This ensures the academic integrity of the institution instead of a for-profit motive that makes decisions based on the bottom line. The allocation of resources based on consultation with the faculty are focused on the core academic missions of the university and on serving students.

Through negotiations, a joint collaboration with administration, provides a commitment to shared governance and to the academic freedom in governance

work that improves the academic quality, benefiting students, our communities and the State of Connecticut.

I oppose the passage of SB 596 – An Act Concerning the Definition of Managerial Employees.

Sincerely,

Michael Bailey